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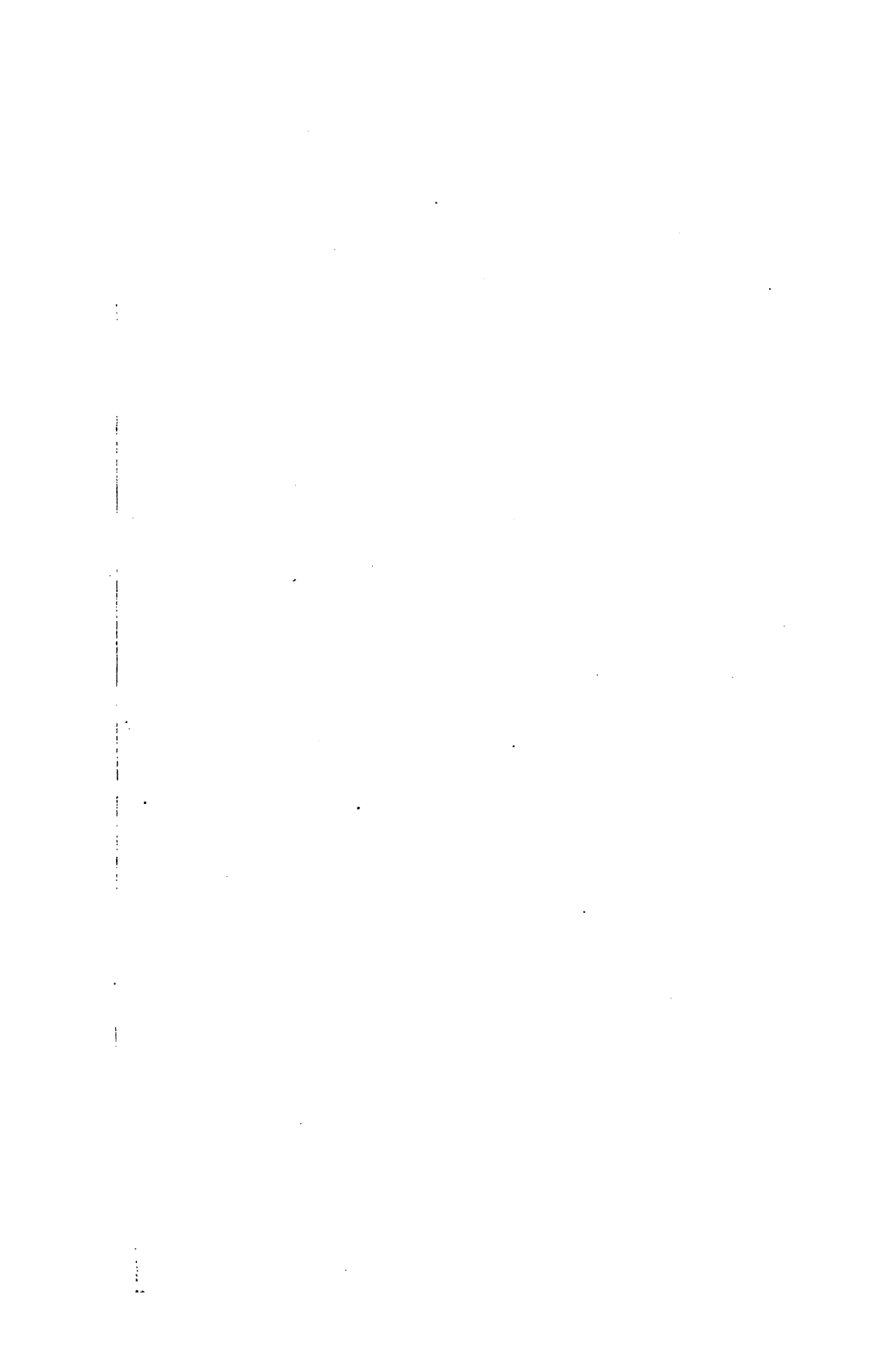
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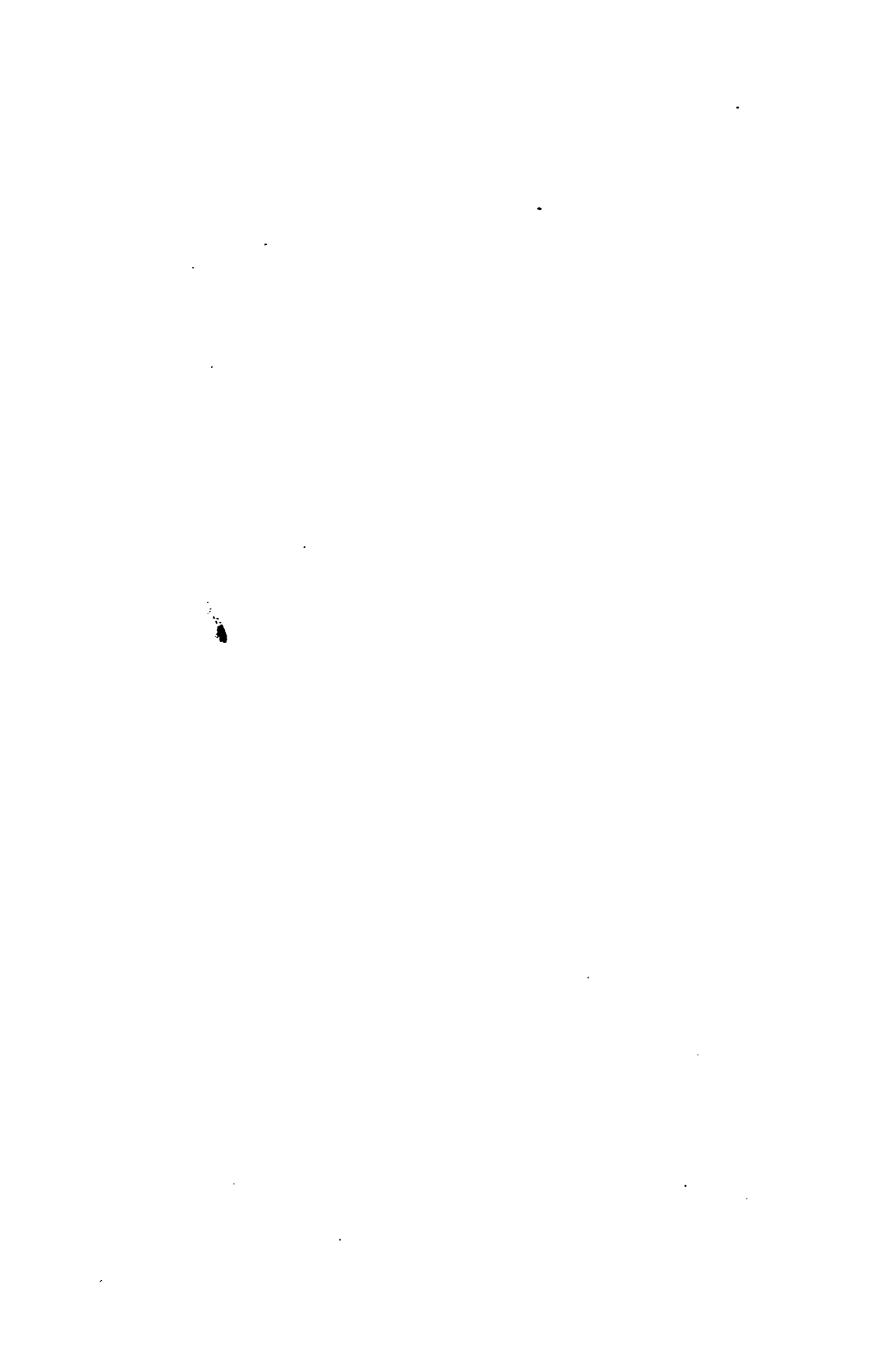
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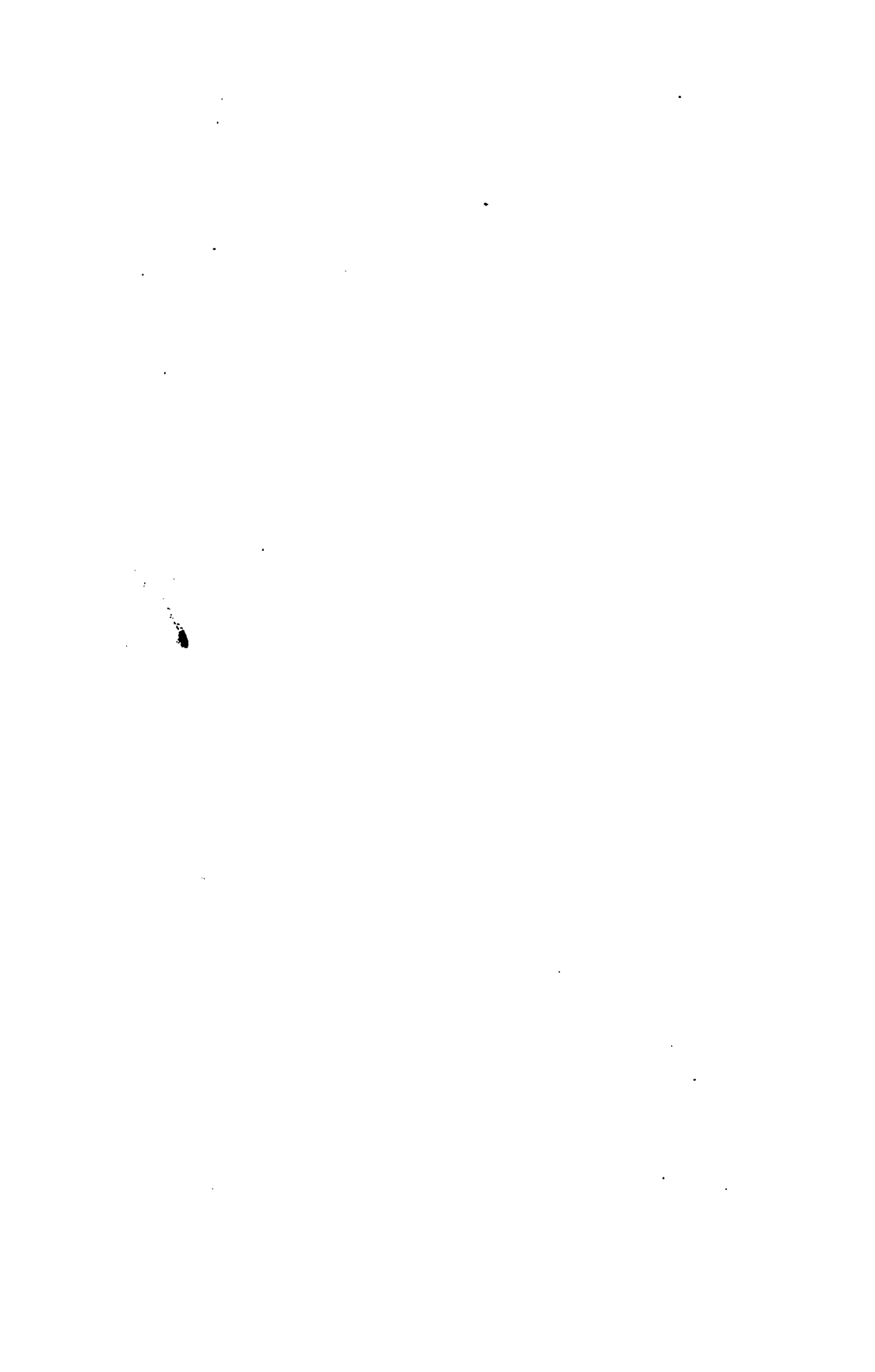
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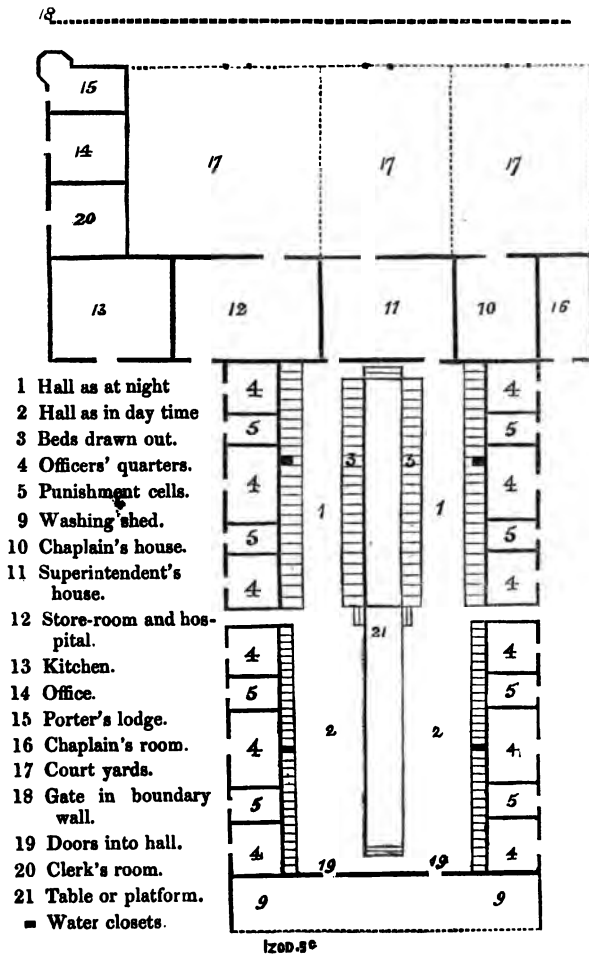






1850.

PLAN OF PRISON.



**A SYSTEM
OF
PENAL DISCIPLINE,**

**WITH A
REPORT ON THE TREATMENT OF PRISONERS IN GREAT
BRITAIN AND VAN DIEMAN'S LAND.**

**DEDICATED BY PERMISSION
TO THE
LORD BISHOP OF OXFORD.**

**BY THE
REV. HENRY PHIBBS FRY, A.B.,
RECTOR OF THE PARISH OF ST. GEORGE, HOBART TOWN.**



**Let the sighing of the prisoner come before thee.
PSAL. LXXIX. II.**

**LONDON:
LONGMAN, BROWN, GREEN AND LONGMANS.
1850.**

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TO THE
RIGHT REVEREND SAMUEL WILBERFORCE, D.D.,
LORD BISHOP OF OXFORD, CHANCELLOR OF THE ORDER
OF THE GARTER, ETC., ETC.

MY LORD,

In submitting the following work to the consideration of the public and the legislature, it is an important privilege to commit it to the patronage of one whose disposition and character best correspond with its design. Your Lordship has powerfully evinced in the House of Lords an inherited sympathy for suffering humanity, and your generous advocacy has called forth deep gratitude in the inhabitants of Van Dieman's Land;—they still look to you for support; and an attempt to procure the termination and redress of the evils which they sustain, is naturally placed in your Lordship's hands.

Christian love for the distressed, animating high mental faculties, and a deeply affectionate ministration to the poor, are divine gifts, which impart a confidence that their possessor will be made an instrument of the most extended social good. Urgency of distress and abjectness of condition attract the sympathy of religion and humanity; I

trust, therefore, that an attempt to diminish vice and reform the guilty, by reducing the treatment of criminals to a uniform system at once simple, efficient, and economical, will justify this appeal to your Lordship's attention.

I have the honour to remain,

With great respect,

Your Lordship's faithful Servant,

HENRY PHIBBS FRY.

London, Jan. 10, 1850.

INTRODUCTION.

The present age is distinguished by a general interest and sympathy for the distress of the poor, and for the wants and sufferings of that portion of the labouring class whose occupations are attended with moral or physical disadvantages. Measures affecting the social condition of the people now assume their due importance, and excite even a deeper interest than questions of foreign policy. The legislature evinces a no less hopeful character, as compared with those of former times. However numerous the parties into which it is divided, their leaders are distinguished no less by ability than integrity; even antagonism is compelled to confess the honour and high principle of its opponents. This public sense of the uprightness of their rulers is a great cause of the tranquillity of the people, who trust to the benevolent wisdom of the legislature, and expect that the directors of the several parties will lay aside their differences and combine for the relief of social evils.

The general feeling of the people is the moving impulse of the State, and to communicate a knowledge of social evils and point out the means of redress,—to diffuse sympathy for suffering, and gain adherents to the cause of human advancement, is the only safe and rational means of reforming the condition of the population and rescuing our fellow-creatures from a state of vice and misery which saddens the heart of every beholder.

Whether the public attention to the condition of the poor has been called forth by humane sympathy, or by a dread of the subversion of society from a general demoralization, is a question no less concerning the morality of the prevailing desire to improve the condition of the people, than affecting its ultimate success. Much care and judgment are requisite to establish the proper principles for the refor-



he does not, according to his ability, earnestly endeavour to advance the social good of the people ?

3rd. If it be a sacred duty to alleviate distress by individual exertion, is it not far more incumbent on the humane and religious to combine and co-operate for the legislative remedy of social evils ? Are the moral and temporal welfare of the people to be committed solely to the worldly and ambitious—and are those who love the poor for their own sakes to withdraw themselves from the only course of obtaining effectual relief ? What can justify those, who are impelled by nature and the most sacred obligations to relieve and reform the destitute and vicious, in relinquishing their right and duty to those who from self-interested motives engage in public affairs ?

The very root of social evil is the degradation of the poor,—the confounding property with virtue, and poverty and distress with guilt and crime, freeing the latter from shame by affixing the deepest disgrace upon the former. To improve the condition of the people, the remedy must begin at the lowest class, the destitute must be distinguished from the criminal, and poverty be provided with another resource than theft—another refuge than the prison.

Probably a quarter of a million of the grown-up inhabitants of the United Kingdom have been imprisoned for crime. The influence of this vast number of persons on their families and associates will form ground for a judgment of the extent of demoralization caused by criminals, especially among the poor with whom they are amalgamated. Were it possible to render it the interest of the destitute to be honest, and to impress on their hearts the principles of religion and the pride of virtue,—and were it possible to render the punishment of crime, not only the means of teaching the criminal religious truth, but of convincing him of the injury he has done to himself by guilt, and that crime is no longer necessary to him in order to obtain subsistence,—and were it possible to render this last assertion true by making imprisonment the means of teaching him how to earn an honest livelihood, and put him in the way of doing so, it must be confessed that the chief cause of crime would be removed, and a most important measure towards social reformation would be obtained.

Incline men to honesty and virtue by making its rewards certain,

immediate, and apparent, and render vice and crime repulsive by the opposite means, and offences would greatly diminish. While crime is the resource of the destitute against starvation, it is vain to hope for its decrease, or even to affix to it shame or opprobrium.

It is the object of the following work to point out a plan for the treatment of criminals on these principles, and it is submitted to the public in the hope that its suggestions may tend to the benefit of the poor.

A residence of ten years in a penal colony, and much communication with convicts, not in one establishment or condition only, but in their various situations, from labouring in chains to freedom, has afforded the writer opportunity of learning the nature and habits of criminals. Among many impressions, the most general which he has received is the conviction, that crime and vice are generally the effects of destitution, and that the character and conduct of criminals are in a very great degree governed by the influence of external circumstances, calling forth honest industry by a visible prospect of independence, or impelling to crime by the dejection and recklessness, no less than the urgency of want. The exception to this observation is the habit of intoxication, which seldom yields to change of circumstances. This is the great vice of the convict population, and the one which leads to every crime. It is most melancholy to state, that as the revenue is derived from the public-houses, no less than *one hundred and eighty* of these establishments are to be found in Hobart Town alone, the resort of the male and female prisoners, and the scene of vice and disorderly conduct. As the police are convicts, receiving but *1s. 9d.* a day, it is natural and well-known that the keepers of the public-houses bribe the constables to keep silence respecting the proceedings in their houses. A petition signed by the bishop, clergy, and principal inhabitants of Hobart Town that the public-houses might be kept shut on the Sabbath was lately presented to the Legislative Council, and placed upon the table without observation or further notice, such is the unwillingness to affect the revenue even for the sake of humanity and religion.

The writer has had sometimes as many as five convict-servants in his house, and with due allowances for the frailty of human beings,

found them not insensible to kindness or unworthy of regard ; of several he retains an affectionate recollection. In the last three years of his ministration he united in matrimony above twelve hundred male and female prisoners, whose appearance, considering what their former condition had been, was highly pleasing to witness, and notwithstanding the corrupt influence of the convict-police, and the organised and almost compulsory temptations of the public-houses, very many of them, it is to be hoped, will rear their children in respectability. It may be said that all the emancipated have a respect for religion, and send their children to the week-day and sabbath-schools.

These circumstances are encouraging evidence of the effect of placing criminals under new relations, and submitting them to the influence of the natural expectations and prospects of men in a healthy state of society.

It is possible that some of the numbers of the various classes of criminals in the following pages may not be exactly correct. The manner in which the information was obtained in the several goals, generally from the chief warders, may have rendered it sometimes inaccurate, but the error will not in any case affect the general inference or conclusion. The calculation in page 75 is taken from the Parliamentary Report, but does not seem correct ; it is, however, of little moment to any of the suggestions of the work. The reader's indulgence is solicited to several errors of the press. Page 19, line 14, *for* enforce, *read* enforced. Page 21, *for* 8 boys, *read* 9 boys. Page 180, line 8, *for* publication, *read* continuation.

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CHAPTER I.

THE PRINCIPLES OF PENAL DISCIPLINE.

The principles or objects of penal discipline are:—1st. To punish offenders in order to deter the evil disposed from crime. 2nd. To provide that the prisoners, while in confinement, shall, as much as possible, support themselves and their families. 3rd. To reform the disposition and habits which lead to crime. 4th. To place criminals, on the expiration of their sentences, in a position as little exposed as possible to temptations to repeat their offences, and where they may maintain themselves by labour.

It may be supposed, that any system by which these objects could be attained would vindicate the law both morally and socially in visiting crime with suffering and in protecting property and innocence; while at the same time mercy would be joined to justice in making the best provision for the interest of the criminal which morality and the safety of society may allow.

It is apparent that these four principles are not of equal importance. The interest of the criminal seems so subordinate to that of society, that even the measures proper for his reformation should not be considered until those for the punishment of his offence have been fully adopted and secured. This declaration is based upon the principle that to decrease

the deterring influence of punishment is to the evil disposed real cruelty of the most general and extended character, and that every regulation which presents to the offender a prospect of escape from punishment, or of a diminution of its severity, adds force to temptation, and strengthens the inducement and disposition to crime.

In the judgment of the legislator the obligation to reform criminals may be regarded as based less on the interest of the offenders than on that of society, which is concerned in their reformation as a means towards the prevention of crime.

"I hold," says Lord Denman, "the only legitimate end of punishment to be to deter from crime: but I think I perceive in some of the theories of benevolent men such a mode of administering the criminal law as to encourage instead of deterring."

It may indeed be maintained that the interest of criminals themselves is best promoted by punishment sufficiently certain and severe to deter from repetition of guilt; and this will appear more extensively true, if regard be had not only to criminals in confinement, but to the evil disposed throughout the community who are restrained from crime by fear of punishment.

The minister of justice is the appointed representative of the interests of society, and though the claims of humanity, which supersede all voluntary compacts or obligations, prohibit cruelty or unnecessary severity to criminals, he is bound by his office to regard the preservation of the rights and interests of the community as paramount to other objects, and to guard carefully lest a false mercy to the guilty should infringe on the welfare of the innocent in weakening the influence of morality by the decrease of the penalty of crime. Should a penal system have the fatal effect apprehended by the great authority above quoted, it must be regarded as the most direct attempt to subvert moral principle and social order which has ever been promulgated.

The principle of compelling criminals to labour for their own support, has been placed before that of their reformation; for 1st. It is a law of nature and religion that "if any work not, neither should he eat." 2nd. Justice, which should never be violated for any object, plainly requires that the innocent and industrious should sustain as little injury or disadvantage from criminals as possible. 3rd. As crime is generally the result of idleness, severe and compulsory labour is its proper penalty and *cure*, as well as being the natural and reasonable mode of employing criminals. 4th. The influence and effect of labouring for self-subsistence must be in itself in a high degree reformatory.

CHAPTER II.

FIRST PRINCIPLE OF PENAL DISCIPLINE TO PUNISH CRIMINALS IN ORDER TO DETER FROM CRIME.

Punishment may be distinguished from torture by its being enforced for some manifestly reasonable and beneficial object. The act may be the same in both punishment and torture, but the moral effect on the mind of the sufferer will be very different. A treadmill which should be turned in order to grind corn by criminals believing that they were usefully employed would be regarded as a rational punishment, while an unproductive treadmill would be considered an engine of torture. The understandings of criminals differ little from those of other men, nor are their feelings so unlike as is supposed. The difference between them and the innocent exists in their sentiments or principles, and in their habits of speaking and acting. They have adopted as habits, falsehood and deception in place of truth, and theft and robbery in place of honest labour: the generality of criminals are dishonest in principle, disposition and habit to an extent not easily conceivable, and their artfulness in lying and deception is such as corresponds with their dishonesty. In other respects they differ little from men in their several conditions of life. They are perfectly rational in their judgments and discernment of the motives and conduct of those connected with them, and are capable of kindness, friendship, fidelity, gratitude and generosity. It is important then that the punishment

and general treatment of criminals should be of a rational character, and such as may at once commend itself to common sense. The criminal should see the beneficial object of everything which he is made to do or to suffer, and his condition and occupation should be such as may constantly keep in his mind the impression of his guilt and that he is atoning for a crime, and should repress the feeling, common among culprits, that they are victims of ignorance and error, fit objects for the tender care of that philanthropic compassion which should be displayed towards the numerous objects of unmerited distress.

The great majority of sentenced criminals have passed through a course of vice and crime; most of them have brought disgrace and misery on families, and corrupted and rendered depraved numbers of associates. Many have been centres of circles of moral corruption, and the crime for which they are imprisoned may be regarded but as a small part of their offences against humanity. The punishment therefore of criminals should be correspondent to their condition in relation to society; and any arrangement in their treatment which may conceal from their view their true condition, or induce them to suppose that their crimes are venial or themselves objects of compassion rather than of condemnation, is pernicious, for the most essential quality in dealing with criminals is truthfulness in act as well as declaration.

It should therefore be impressed on the public mind that criminals will be severely punished by actual suffering of a nature and duration correspondent to their offences.

CHAPTER III.

PUNISHMENT, LABOUR, AND RESTRICTION.

The punishment of prisoners consists of compulsion to work and restriction of indulgences. The work at which prisoners should be employed ought, 1st. To be profitable so as to defray the expense of their maintenance. 2nd. It should be such as will not interfere with the profits of the honest and industrious tradesmen. 3rd. It should be such as will not elevate the social position or improve the temporal condition of the criminal on his leaving the prison. 4th. It should be of a laborious, servile character, and capable of being carried on in the open air. 5th. It should be such as prisoners of all ages and degrees of strength may be employed at. 6th. It should be such as requires little or no training or instruction. 7th. It should be a common or general occupation.

1st. The work at which prisoners should be employed ought to be profitable, so as to defray the expense of their maintenance. This is so reasonable that it has been proposed by every theory of Prison Discipline, but hitherto without success. In the prisons of the United Kingdom the greatest difficulty exists in providing employment for prisoners. In the year 1847, in England and Wales, 64,062 prisoners were employed at hard labour; 36,642 at employment not being hard labour; 29,417 *were not employed at all*, and the mode of em-

ployment of 2,040 was not ascertained. In the 212 places of confinement in England and Wales there are 95 tread-wheels, and in the 44 prisons of Ireland there are 28 of these machines. Many of them merely turn a fly-wheel without performing any useful work; the greater number pump water to the cisterns of the prisons, or grind corn for their use. The general occupation of the male prisoners in the prisons of the United Kingdom is picking oakum and wool; those not so employed are either idle or occupied at breaking stones, tailoring, shoemaking, weaving, mat-making, knitting stockings, &c. The total amount of the profits of the prison labour in England and Wales for 1847 was £20,227. It is not known whether the labour of prisoners employed in washing, cleaning and mending for themselves be estimated at a fixed sum, and included in this amount. The daily average number of prisoners for the year being 16,167, the average earnings of each prisoner per annum was £1 7s. 6d. The total cost per head per annum of each prisoner being £29 14s. 1d. or *above twenty-one times* more than his earnings.

From personal observation in upwards of fifty of the principal prisons of the United Kingdom, a very strong conviction was formed of the impossibility of employing criminals profitably in their present places of confinement, and it was the general opinion of the officers that little more could be expected than to keep the prisoners employed. In some prisons large numbers of men are kept sitting on forms picking oakum in rooms under inspection of one or more officers, for from 6 to 10 hours daily. In Glasgow South Prison, 34 boys were picking oakum in a vaulted cell; they were packed together along the walls as closely as they could sit; the dirt and smell were suffocating: in another room 47 men were similarly employed. At Cold Bath Fields, in a workroom 100 feet long by 38 feet broad, 350 men were picking oakum under inspection of officers. Similar rooms and occupations exist in many other prisons. When the criminals are kept by day as well as by night in cells.

a certain quantity of oakum, generally varying from one pound and a half to three pounds, is given to each prisoner to be picked as a daily task. Few persons connected with prisons regard oakum-picking as an advantageous occupation for prisoners, the profits of it are merely nominal, and it seems more adapted to employ the aged and infirm in poor-houses than able-bodied criminals in prisons.

"On repeated occasions," says the Inspector of Prisons for the Eastern District, in his report of 1849, "I have endeavoured to point out the actual cruelty of shutting up prisoners with nothing to do, or at most with only a nominal task, such as picking bits of oakum or coir." The same writer observes, that picking coir is very inappropriate to prisoners under the separate system: "where the disposition is feverish and irritable, it will either prey upon itself and produce a state of nervous excitement which may terminate in despair, or if the individual be phlegmatic and dull, it will become sluggish and grow insensible to outward impressions, producing a state of apathy which in the long run must tend to idiocy." He thinks trades should be taught to the prisoners, not for the sake of the profits to the prison funds, but to keep their minds employed while confined in cells by themselves. It may be deemed by some, that this necessity for keeping the minds of prisoners in separate cells employed or interested by the company and instruction of a trade instructor would cause a serious diminution of the punishment. 2nd. That it would not be just to the several classes of tradesmen. 3rd. That the prisons would be regarded as schools for learning trades, and be a bounty upon crime.

The treadmill is exposed to many objections.—1st. It is not applicable to all classes of prisoners. Those who have any physical infirmity or constitutional tendency to particular maladies, and all who are under seventeen or above forty years of age are excused from working on it. Those who are excused frequently in a prison form a large proportion of the whole number of criminals sentenced to hard labour. Thus, in Dorchester

Gaol in August 1849, of 30 misdemeanants sentenced to hard labour, 8 were excused by the surgeon and remained idle.

2nd. The treadmill is an unnatural labour tending to incapacitate men from their common occupations. The feet do the work of the hands; the ball of the foot is almost exclusively in action, and the arms and shoulders become emaciated and weakened.

3rd. It is prejudicial to health. The exertion is of a very straining nature, and in warm weather the men perspire excessively. It frequently causes rupture, varicose veins, complaints in the kidneys, and violent palpitations. The average of the pulses of fifteen men on the treadmill was 130 in the minute.

4th. It is regarded as an instrument of torture, and endured with indignation. It degrades the character by debasing and hardening the feelings, shame soon turning to obduracy.

5th. Though excessively painful at first, it soon ceases to be a severe punishment. A surgeon of Exeter gaol states, that after a few days the legs, thighs, and back become habituated to the exercise, so that employment at the mill ceases to be a severe labour. Prisoners of a weak frame of body and of sedentary habits endure dreadful suffering and pains, while the strong and active suffer comparatively nothing.

It therefore seems to follow that the treadmill is not the description of labour suited to the present age or to the principles of penal science.

The directors of prisons are influenced by the opposing considerations of the evils of the treadmill, and the necessity for deterring labour; so in some gaols it is being removed, while in others, from which it has been taken away, it is being restored.

In most prisons there are employed at trades a number of criminals sufficient to supply the whole of the prisoners with shoes and other clothing, but a few of them, probably one in twenty, are sufficient for this purpose. A common, and it will be generally deemed, a just objection, prevails among justices and the public, against manufacturing articles in prison for

general sale. In many prisons this practice is strictly prohibited, while others have regular warehouses for the sale of clothing, cabinet work, brushes, mats, and various other articles. At such prisons any person may have his measure taken for a suit of clothes or for boots, to be made by the prisoners. In several prisons numbers of criminals are taught mechanic trades, and articles of the nicest manufacture are shown as specimens of their skill. Many persons will consider this a sad invasion on the rights of free labour. The members of the several trades cannot but suffer, by having a number of criminals, on the expiration of their sentences, introduced among them as fellow-tradesmen, without any other fee or apprenticeship than a crime and imprisonment. The credit and the profits of the trades must both be materially injured, and that salutary compact, which exists among tradesmen, of acknowledging and employing only those who have served a regular apprenticeship, be undermined and destroyed. It is apparent also that customers can only be obtained for prisoner tradesmen by the cheapness of the articles which they sell; so that, in addition to depriving the honest labourer of employment, his profits will be depressed by a most unfair competition.

In a very large proportion of the principal prisons, a great number of criminals are kept throughout the whole day in total idleness, sitting in yards or day-rooms conversing together, while in some prisons there is no work of any kind. Thus at Winchester the prisoners are kept for 10 hours daily, walking in single file slowly round small yards.

Prisoners under separate treatment can only be employed at such trades as may be carried on in cells. A very small proportion of criminals are tradesmen, so that they must be either kept in idleness, or the prison directors endure the trouble, expense and other disadvantages of instructing them in trades. Men working in locked cells cannot be constantly superintended, and it may be doubted if the price of their work be equal to the expense of the implements, materials, and officers employed

in superintending them and teaching them trades. The principle of teaching trades to criminals, the mass of whom are labourers, seems at variance with common sense. What profitable end can it serve to turn carters and reapers into tailors and weavers?

The experienced inspector of the Northern District observes, that "to render a prison deterring it is not necessary to resort to artificial punishments, such as flogging, treadwheel labour, or other unproductive work, or constant silence. Nor is that the most effectual plan." This observation may be true, but were these objectionable modes of punishment discontinued, the terror of imprisonment would be removed, and the idle and dishonest undergo confinement without regret in prisons, which, the same writer remarks, are sometimes, even with these artificial punishments, regarded as places of refuge, and are considered more attractive than workhouses.

Inspection of prisons and examination of the official reports lead to a strong conviction, that the existing prisons, whether separate, silent, or classified, do not admit of the prisoners being profitably employed at work possessing any one of the seven attributes which penal labour requires.

The second part of punishment consists in restricting the criminal from indulgence of ease, company, food, drink, or liberty, and in keeping him under constant control and superintendence.

In a demoralized population, dangerous evils result from relaxation of punishment; severity is mercy, and the treatment of convicted criminals will influence either to the commission or repression of crime, as it is regarded with unconcern or with terror. If a prison be an abode where men may be fed with better food than tradesmen can give their families, where they can learn trades, and be highly commended and rewarded if they do not commit new crimes, where they will be carefully instructed and have amusing books to read, be comfortably clothed and lodged, have daily medical attendance, and be

allowed to take exercise with companions, have light work and never be exposed to heat or cold, it is only ignorance of the advantages of imprisonment, or attachment to relatives, which prevent thousands from leaving want, hunger, cold, and toil for the comfort and abundance of a prison.

While no regulation or restriction should be of an arbitrary character as designed only to torment or disquiet prisoners, their treatment should be as severe, and their food be as coarse and plain as is consistent with the preservation of their health and strength.

It is a most weighty objection to any system of prison discipline, that it places criminals in such an artificial bodily condition, that their health can only be preserved by indulgence in diet, constant equability of temperature, careful watching and attendance, bathing and exercising. These indulgences appear inconsistent with the condition of criminals, and counteract the object of imprisonment.

In the prisons of Great Britain the indulgences of prisoners are excessive. In most of them criminals are allowed ten hours sleep, in many they have twelve hours, even in summer. Such a habit is very different from that of the late and early industry of honest labourers, and must disqualify them from earning their subsistence on leaving prison.

The food given to prisoners is liable to the same objection.

At Clerkenwell County Gaol, employed men are allowed daily, 30oz. of bread, 6oz. of meat, weighed when cooked and without bone, 1 pint of soup, 4 pints of gruel, and 1 pint of tea.

At Millbank the daily allowance is, 22oz. of bread, 3½oz. of cooked meat, 1lb. of potatoes, 1 pint of cocoa, three-quarters of a pint of milk; and 1 pint of soup on two days in the week.

At Pentonville 20oz. of bread, 4oz. of meat, 1lb. of potatoes, half a pint of soup, 1 pint of gruel, 1 pint of milk, 1½oz. of molasses is the daily allowance.

At Portland for 3 days in the week the dinner is 4oz. of

meat, 1lb. of potatoes, 1 pint of soup, and 6oz. of bread, and for the other four days, 6oz. of meat, 1lb. of potatoes, 6oz. of bread, and for the other two meals, tea and cocoa alternately, with sugar and milk, and 12oz. of bread, are allowed.

At Denbigh County Gaol where the cost of diet for prisoners is the lowest but one in England, the allowance is 28oz. of bread, 10oz. of cheese, and 4 pints of gruel daily.

At Plymouth Goal where the cost of diet is the lowest in England, the daily allowance is 24oz. of bread, and 1 quart of milk broth, with 8oz. of uncooked meat, and 1lb. of potatoes on Sundays.

In many foreign prisons the daily allowance of food is 1lb. of black bread, 1lb. of potatoes, and 1 pint of milk, in others 1½lb. of black bread is allowed without potatoes. It is reported that in these prisons there are few sick or weakly.

At the Hulks the daily diet is 1lb. of bread, 4oz. of biscuit, 8oz. of beef, 9oz. of oatmeal, 2oz. of cheese, 1 pint of soup, thickened with barley and vegetables, and *one pint and a half of beer*.

In Newcastle-upon-Tyne no meat is given, the daily allowance for employed men is, 14oz. of bread, 2lb. of potatoes, 1 pint of soup made from Ox heads, and containing 3oz. of meat, 4 pints of gruel, and 1 pint of milk.

At Norwich 40oz. of bread, and 1 pint of milk, and some onions twice a week is the whole allowance.

At Parkhurst the daily diet of the boys is 20oz. of bread, 4oz. of meat, 1 pint of cocoa with a quarter of a pint of milk and molasses, 1 pint of oatmeal gruel with molasses; 1 pint of soup and 1lb. of potatoes.

In most of the prisons in England prisoners employed and sentenced to above three months confinement have from 20 to 24ozs. of bread and from 2 to 4 pints of gruel or cocoa daily; on alternate days they get 4oz. of meat, and 1 or 1½ pints of soup with half a pound or 1lb. of potatoes. The soup is generally rich and thick with 3 or 4ozs. of meat in it; the bread

is seldom brown, but is generally of the whitest and best description.

The six commissioners of the Pentonville Prison in their report of May, 1849, observe—"After the experience of seven years our opinion remains unaltered, that the comparatively high diet, established at the close of the first year, is not more than sufficient. We believe that prisoners in separate confinement for any lengthened period, require more food than those in association, which may probably be attributed partly to the more severe character of the punishment, and partly to that active exercise of the mental faculties to which the prisoner is urged by the irksomeness of solitude, and in some instances by the excitement which accompanies a rapid progress in the acquisition of knowledge." This testimony of the necessity of high diet for prisoners, continually in separate cells, must be received as the result of experience, but the reasons assigned for this necessity, it must be confessed, appear strange and opposed to what is believed to be the result of long continued separate confinement, supposed to cause a general depression, apathy, and torpidity of the intellectual faculties.

The dietary in Ireland for male convicts sentenced to transportation, is for breakfast, 7oz. of rice or oatmeal, made into 1 quart of thick stirabout, and three quarters of a pint of new milk. The dinner for six days is, 1lb. of bread, with three quarters of a pint of new milk, on Sunday, 1lb of beef, 1 pint of soup, and three quarters of a pound of bread are allowed. The supper is 8oz. of bread, and half a pint of new milk.

At Kilmainham, the daily allowance is 1 quart of stirabout, made of 2oz. of rice, and 6oz. of Indian meal, and 1 pint of butter milk. The dinner is 1lb. of whole wheaten bread, and 1 pint of new milk, no supper is allowed.

At Wexford the diet for Breakfast is, 1lb of brown bread, and 1 pint of milk. The dinner is 8oz. of Indian meal in stirabout, and 1 pint of buttermilk.

At Waterford the diet is 8oz of meal in stirabout, and 1 pint

of new milk for breakfast—1lb. of bread and 1 pint of skimmed milk for dinner.

At the Dublin Military Prison, the allowance of food is 10 oz. of oatmeal, made into stirabout, and half a pint of milk, 12oz. Indian meal in stirabout, and quarter of a pint of milk, and 8oz. of bread and half a pint of milk. Beef and soup are given on Sundays.

At Athy the diet is 8oz. of oatmeal and Indian meal mixed in stirabout with 1 pint of new milk. The dinner is 9 pounds of potatoes with 1 pint of buttermilk. No supper is allowed.

In the Scotch prisons criminals confined for less than three days are allowed daily 2 pints of oatmeal gruel and 1lb. of bread, those confined for less than 10 and above 3 days, receive 2 pints of gruel and 24oz. of bread. Prisoners confined for any term above 10 days are under the following three rates of diet: the first is for breakfast and supper, 10oz. of oatmeal made into porridge 2 pints and one quart of milk; for dinner, 6oz. of wheaten bread made of second flour, with $1\frac{1}{2}$ pint of barley broth, 2 pints of which contain 4oz. of barley, 2oz. of ox-head or 1oz. of other meat, half an ounce of suet and some onions, turnips, &c. In lieu of bread and broth, 3lbs. of potatoes, and three quarters of a pint of milk are given. The second rate is 12oz. of oatmeal made into porridge with the same quantity of milk, and 2 pints of barley broth with 8oz. of bread. The third rate is 14oz. of oatmeal made into porridge with the same allowance of milk, and 2 pints of barley broth with 12oz. of bread. This diet is sometimes varied, potatoes being given in place of porridge, and pease-soup in place of barley broth. The milk is either fresh skimmed milk or buttermilk.

This diet seems economical and has been found sufficient, Mr. Hill is desirous that it should be adopted in English prisons. It is, perhaps, not improbable that the insufficient diet of prisoners confined under 10 days, renders their punishment more severe than that of those imprisoned for a fortnight or month, which is not consistent with their degrees of guilt.

In inspecting prisons in England, Scotland, and Ireland, the prisoners in any of these countries were not distinguished by a general appearance of superior health or stoutness indicating a better diet. In many of the Irish prisons a number of vagrants and other prisoners admitted in a condition of extreme emaciation from long starvation were to be seen in the hospitals and infirmaries; but these soon died or rapidly recovered, nor did I visit a prison in which I was not assured that the prisoners improved greatly in health and weight after their admission, the truth of which statement was confirmed by the appearance of those who had been any length of time in confinement.

Notwithstanding the prevalence of cholera and diarrhœa the state of health in many of the Irish prisons was surprisingly good. In Wexford Gaol containing 368 prisoners, with three or more sleeping in each cell, but three prisoners had died from January 1st to July 1st. In the Athy Gaol there had not been a death for two years.

In the gaols in the manufacturing districts of England the prisoners in many cases presented the peculiar sallow and emaciated appearance of men reared in factories. In prisons on the separate system although the men had increased in fullness of body, their flesh seemed flaccid, pale and in constant perspiration, and their energies weakened notwithstanding the high diet, incessant vigilance and artificial means adopted to preserve them in health. The result of my own observation is, that the chief cause of health in prisons is employment of the prisoners in the open air. In prisons where all other requisites to health save this are enjoyed, the prisoners are often unhealthy and deaths frequent; in prisons possessing no other advantage than employing the prisoners in the open air the highest state of health prevails. Thus at Newcastle in a prison the most close and confined in situation and extent, with 52 small cells ill ventilated and without the means of being heated, five prisoners sleeping in each of 13 cells, there has not been a death for the last four years; the adults being employed in breaking

stones. The diet of the prisoners in Newcastle is among the lowest of the gaols in England. To the same cause may be attributed the health of the men in the probation stations in Van Dieman's Land.

In the prisons in Ireland, by some regulation, the design of which is not apparent, convicts under sentence of transportation get three meals, consisting of 1lb. of bread, 7oz. of meal, and 2 pints of new milk daily, with 1lb. of beef and 1 pint of soup on Sunday; while convicts, sentenced for less offences to one or two years, imprisonment, get but two meals, consisting of 8oz. of rice and meal, 1 pint of buttermilk, 1lb. of bread, and 1 pint of new milk. The natural consequences of this arrangement are that those from the untried prisoners who are sentenced to transportation are deemed fortunate, while those sentenced to simple imprisonment are disappointed; the former enter their portion of the prison, where they are generally unemployed, to receive their superior diet, far better than they ever previously enjoyed, and great dissatisfaction is caused among the other prisoners.

The average annual expense of the diet of each prisoner in England is £8 0s. 10d. or 5½d. daily. The highest amount is £11 15s. 9d.; the lowest is £5 2s. 4d. The average annual cost of the diet of each prisoner in Scotland is £5 6s., or 3½d. daily; the lowest is £4 10s.; several amount to £10. In Ireland the annual cost of the diet of each prisoner is £5, or 3½d. daily.

If the prison diet in England were reduced to the scale of the Scotch prisons, a reduction in expenditure for diet of prisoners of upwards of £40,000 annually would be effected, or above a fourth of the whole amount, which in 1847 was £130,000 for 16,000 prisoners. The dietary for 11,000 prisoners in Ireland, in 1848, was about £55,000; in Scotland, the cost of diet, in 1848, was £14,944 for 2,808 prisoners.

It seems that either the diet in English prisons is more expensive than is necessary; or that in Scotland and Ireland is not sufficient. The former is adverse to the objects of imprisonment; the latter to humanity. The great diversity in the

quality and quantity of food allowed to prisoners in the English prisons, would appear to result from the absence of general directing authority, or from insufficient information respecting the proper scale of diet. The following rules may perhaps be useful in forming a judgment on this important subject.

1st. The diet of prisoners should be coarse, and therefore the finest white bread should never be allowed to prisoners in health, nor meat, nor meat soup, save by the directions of the physician. 2nd. The nature of the food should be as little different as possible from that used by the working people of the country in which the prison is situated. In Scotland, it should consist partly of oatmeal, in Ireland of potatoes, and in England of coarse bread. 3rd. It should be sufficient in quantity for health and strength. Neither labour nor a wholesome state of feeling and disposition are to be expected from men suffering weakness or pain from hunger. 4th. It should be easily prepared; coarse brown bread, such as is used by the French soldiery and peasantry, sweet milk from which the cream has been skimmed; cheese, onions, treacle, salt butter or lard, sea biscuit, and other articles of a similar description might be supplied in succession, so as to dispense with cooking in the prison, and save the expense of cook and kitchen apparatus, with the loss of labour and interference with discipline, resulting from three, five, seven, or even ten prisoners, (as is at present the case) being employed as assistants to the cook.

It is not necessary to make any remarks on the other restrictions to which a criminal is subjected during his confinement, as they are obvious, and do not admit of much diversity of opinion.

CHAPTER IV.

THE SEPARATE SYSTEM.

That which the convict should be required to do and to suffer in order to reform his disposition and his habits, should be determined by common sense and experience of the habits and characters of men. It is a sad perversion of philosophy to disregard the qualities and nature of the subjects of experiment; and nothing can be more unreasonable than to subject criminals to a mode of existence unnatural to human beings. That men are designed to associate and do not exist in a state of separation or silence, in the judgment of common sense would be a sufficient reason to conclude that great evils must result from placing men in a condition inconsistent with their natural constitution. It would be as wise to expect benefits from subjecting prisoners to compulsory inaction or blindness as to enforce silence or solitude. Prisoners were found to injure each other by unrestrained association, and instead of adopting measures to render the communication of criminals as little mutually injurious, and as beneficial as possible, the obvious but extreme measure was adopted of attempting to prohibit all communication. The immense expense of prisons on the separate system adopted for this end, and the artificial arrangements necessary to enable a human being to exist in so unnatural a condition, were attractive, as a sacrifice to philanthropy and an

exercise for ingenuity. Long ranges of cells in triple tiers on either side of spacious corridors crossing each other at right angles so as to form four wings, like the arms of a windmill, formed a beautiful and interesting object of inspection. Gas lights, copper water-closets, hot and cold air apparatus, with a supply of water, and a telegraph or notice bell, rendered each cell a complete habitation. Governors and officers approved a system which freed them from the cares of supervision and the danger of concerted opposition to their authority: their prisoners each in his separate perpetual cell, too strong for the hope of escape, were guarded with the ease of a menagerie of wild animals. Five hundred prisoners were selected as men of strong constitutions, and placed in the Model Prison of Pentonville, under 76 officers or one officer to every six prisoners, the yearly average being 457.

A person who had taken a general view of the state of the people in the United Kingdom might find a difficulty in believing that a system requiring such machinery would be allowed to subsist a second year, much less that it should be carried out in other establishments. The public mind has been deeply impressed with the lamentable want of institutions for the education of the poor on a general effective and uniform system, and with the urgent necessity for some public measures for the improvement of the labouring classes in the manufacturing towns. The labour of the people is represented as being beyond the powers of nature: they are said to endure an existence of hopeless unending toil, confined in filth, stench, and noise, breathing flames and dust, with the conviction that their occupation is wearing away their health and energies, and with the certainty of a premature death. The revenue of the country, great as it is, is said to be unequal to the claims upon it, and incapable of providing a meal a day for the starving population of Ireland, thousands of whom are perishing for want. That an immense sum of money should be expended even upon a practical and beneficial scheme of reforming prisoners, when so much is required

for the preservation of deserving members of society, may seem in the highest degree surprising. *Ninety thousand pounds* were expended at Pentonville on a prison for 520 criminals; or above £170 for each prisoner, the interest of which sum alone should more than cover his expense to the public.

Well might Mr. Hill, in his report for 1848 state, "The sums heretofore expended on prison buildings have in some cases been enormous. The cost is seldom less than £100 to £150 per prisoner (a sum sufficient for building two or three neat cottages, and able to contain a whole family), and in some instances it has been much more. A portion only (the newest) of the county prison at York, capable of accommodating only 160 prisoners, cost £200,000, which is more than £1,200 per prisoner; enough, if it had been desired, to build for each prisoner a separate mansion with stable and coach house." The interest of the sum expended in building the prison at York, without counting the expense of maintaining the criminal in prison, would of itself suffice to provide for him board and education in a classical academy.

At Pentonville, 76 officers with an average salary of £90 per annum, attend to 457 criminals. The amount of salaries in 1847 was £6,838, or nearly £13 for each criminal: a sum which might have procured him the attendance of a domestic servant.

At Millbank 123 officers attend 1,049 prisoners.

At Coldbath Fields 142 officers attend 1,034 prisoners.

At Parkhurst 64 officers attend to 543 juvenile criminals or 1 officer to less than 8 boys.

Notwithstanding the enormous outlay for erecting prisons on the separate system within the last few years, the additional accommodation provided has scarcely, I believe, exceeded the annual increase of criminals in the United Kingdom, so that little hope can be entertained of providing accommodation for criminals on the separate system, even though the resources of the country were overburthened, and each city and district contained an extensive

prison resembling a fortified town, the splendid abode of criminals, a sad monument of the moral condition of the people, and a contrast to the wretched and crowded hovels of the labouring poor.

The inordinate expense of the separate system may be considered, therefore, as a fatal objection, since it requires an expenditure more than commensurate with the claims of criminals upon the public, and which is so urgently required for institutions and objects of the highest importance and advantage to the labouring classes of the community.

The detention of men in separate confinement has already been productive of such evil consequences as have led to its abandonment in some cases, its modification in others, and have induced many officers and persons acquainted with its operation to consider that it must be abandoned as inefficient and injurious.

It is stated in the Report of the Surveyor-General of Prisons, for the year 1847, that—"The experience gained at Parkhurst would lead to the conclusion that boys above 13 or 14 years of age may be advantageously placed in separate confinement for periods *not exceeding three or four months*, care being taken that they have a sufficiency of active bodily exercise. In cases where separate confinement has been enforced on boys for longer periods, lameness and stiffness of the joints have been observed, probably resulting from the want of exertion." This observation might suggest the inquiry—Is it advisable to incur the expense of erecting gaols on the separate system for juvenile offenders, some or all of whom *may*, when care is taken that they have sufficiency of exercise, encounter or avoid the evils which are the necessary effects of solitary confinement? Where positive injuries result from separate imprisonment for periods above three or four months, why should boys be required to undergo a confinement, the tendency of which is to injure them? If five or six month's imprisonment will give them stiff joints, can confinement for three or four months be advantageous

to their growth and strength? Surely some most manifest and otherwise unattainable benefits must result from separate confinement, to justify so great an expense for an imprisonment so short in comparison with the sentences of the boys, and so full of danger to their health.

It is admitted that the younger boys cannot be confined in separate cells.

Captain Kincaid, Inspector of Prisons for Scotland, in his report of 1848, observes,—“I find that during the last three months in which the general prison (at Perth, on the separate system) was open in 1842, the number of juveniles who broke down and were required to be doubled up with others, amounted to 9. In 1843, there were 14, in 1844 there were 18. In 1845 seven, doubled up in 1844, were removed to hospital and treated there as a class, to which were afterwards added 6. In 1846, 7 were doubled up and in two months in 1847 there were 11 doubled up—Total 65. It is thus shown that on an average, 13 individual cases of juveniles broke down annually in one prison under the separate system, during the five years ending in November 1847.” The Inspector adds that during the year of relaxation, there have been no cases of breaking down, and “instead of the scowling downcast look and relaxed frame observable among many of that class of prisoners in former years, they now look as boys ought to do.”

“Another important object attained by the change is, that a number of healthy orderly-disposed prisoners are no longer required, in addition to their legal punishment, to be burthened each with the charge of an *imbecile in his cell*.” Captain Kincaid also observes, “nor can I understand any one advocating, that prisoners of tender years should be exposed to any system of imprisonment that is calculated to impair their intellects or bodily health; and I think every person capable of judging, who said the boys in the prison at Perth while in separate confinement and the same boys afterwards in the class, must admit that the former was calculated to do both.”

It is a question of great moment, whether solitary confinement, which has such disastrous effects on the young must not in all cases be injurious, whether that fatal influence which rendered so many decrepid and imbecile, must not tend to produce the same effect on all, though not to an equally perceptible or fatal degree.

It is believed that it was at first designed that criminals should pass the whole or greater part of the time of their imprisonment in solitary confinement; but it was soon discovered that, even at Pentonville, where the criminals were all selected as being men of the strongest constitutions, human nature could not for a long period endure confinement in a solitary cell.

Colonel Jebb states—"That it is very essential that the experience gained at Pentonville should be studied, and that the *precautions* taken in the administration of the discipline should be closely adhered to in any case in which the separate system is adopted for lengthened terms. In the general application of the system, it will be found that there are some prisoners who, either from original imbecility of mind, or from being consumptive, or of scrofulous habit, or subject to fits, are not equal to bear the discipline; and some few who may be apparently in good health on admission, will after a time exhibit symptoms of failure rendering a *change* desirable. All such prisoners will probably require to be placed under a system of well regulated association. My own independent conclusions, founded on a close observation of the experiment made at Pentonville during nearly four years and a half is, that separate confinement for periods extending from three to twelve months may, with due precautions, be advantageously and safely adopted in the prisons generally, and that in particular cases, and with care and watchfulness, it might, if necessary, be extended to fifteen or eighteen months. Beyond that period, even if it were desirable on moral grounds, I do not believe the discipline could be generally enforced, even under the most favourable circumstances, without risk of injurious consequences to a large proportion of the prisoners."

It would appear as if some medical treatment were spoken of, and the question were discussed, how far patients who would die without it, could endure so dangerous a mode of cure. If philanthropy be the cause of subjecting the public to the enormous expense of the separate system of prisons, how can that sentiment tolerate the *cruelty* of exposing criminals to a situation in which the utmost care, watchfulness, and precaution, are stated to be necessary to prevent their being rendered imbecile, and where no care can secure those whose constitutions are even imperceptibly predisposed to infirmity? What possible result of separate confinement can justify human beings in placing their fellow creatures in such a condition?

It is to be observed that separate prisons, with all their machinery, are only available, with safety, under the utmost precautions, to prisoners for from three to twelve months of their sentenced confinement: another system of treatment, involving arrangements of great difficulty and expense, must then be adopted to provide for their accommodation after the expiration of these periods of solitary imprisonment.

Nature will assert its dominion, and the laws of natural existence cannot be violated without the endurance of an adequate penalty. Men, deprived of communication with their fellow-beings, and shut up for twelvemonths in solitary cells, in spite of high diet, constant warmth, medical treatment, books, and every precaution which care and skill can devise, must be injured more or less in body and mind, though the evil may be imperceptible in many, and only a few reduced to the horrors of idiocy. This is so true, that in practice, I believe, what may truly be called separation, or isolation of prisoners, scarcely anywhere exists. True it is, that long continued solitude was declared to be the great object of the system, as being the most severe of punishments, and that which would best deter from crime; but experience has discovered that a condition contrary to human nature might be injurious or destructive, but could not be a rational punishment.

In most of the prisons on the separate system which I visited, I was informed that the prisoners were so constantly communicated with by Warders, Schoolmasters, Chaplains, Workmasters, Doctors, and the Governor or his Deputy, that during the day they were seldom an hour by themselves. At Pentonville I was informed that each prisoner was visited at least 15 times a day; that he was out of his cell daily 3 hours at chapel, exercise, &c. and that his three meals, frequent visits, and communication with the Chaplains and Schoolmasters prevented his suffering from confinement.

At Reading, the prisoners are seldom half-an-hour in the day without being visited. The average number of prisoners is 140, that of officers 21, or more than 1 to every 7 prisoners. It is a peculiarity in this gaol that no work is required of the prisoners, and that they only employ themselves as and when they desire it; their occupation is preparing lessons for the Schoolmaster, reading works of general literature, history, philosophy, &c., and attending to the ministration and instructions of the chaplain. Thus their confinement can scarcely be termed a punishment; and it is in fact a retreat from the troubles and wants of ordinary life to repose, abundance, instruction, study, amusement, and the best attendance and medical care. An inspector is compelled to believe not only that thousands would gladly resign liberty for the remainder even of their lives to be received into such an asylum, but that many would purchase admission were it permitted them to do so.

Colonel Jebb states, "That all the prisoners at Pentonville are very carefully selected at two medical examinations as fit subjects for the discipline, between the ages of 18 and 35, and are certified to be free from all the diseases which would render them likely to fail under the separate system" and he does not think confinement in that prison for 18 months "*generally* injures the mental energy; but that there is no question that the men lose physical power." Mr. Hill is of opinion that separate confinement does injure boys, and objects to it, except for short

periods. He thinks that rigid separate confinement for five or six months of lads from 20 to 25 would be attended with much danger in many cases.

Mr. Matthew D. Hill has a strong impression that eighteen months is too long a time for separate imprisonment, which when is continued too long seems to have an unfavourable effect both on the physical and mental man. He does not think that it amounts to producing insanity, but it appears to have a tendency to weaken the mind and the will—to weaken the will in particular.

The Rev. J. Kingsmill states, that “he should not like to see separate imprisonment tried beyond twelve or fifteen months, and not for that period with some. He should not like to see six months’ separation tried upon a certain condition of men; but that would be a very small exception.”

The reader of these extracts will feel disposed to ask, what is the trial spoken of? and the answer, it is believed, is, how far a treatment which causes idiocy and bodily imbecility may be carried without arriving at that extreme and fatal result,—how nearly human beings may be reduced to the loss of physical and mental energy. The examination and discussion approach a critical accuracy; the Surveyor General is confident that the point of idiocy lies beyond eighteen months. Mr. Kingsmill is apprehensive of its existence at twelve or fifteen months, and in some cases at six. Mr. F. Hill deems it dangerous, after six months, to those under 25 (the ages at Pentonville being from 18 to 35.)

These testimonies are from the directors and advocates of prisons on the separate system in England; numberless testimonies of its evil effects might be adduced from its opponents. The period for which it is declared by its advocates to be useful or safe, is short and doubtful. It is admitted that it will reduce those who are unable to endure it from bodily or mental infirmity, or those on whom it has been tried too long, to the most shocking condition which man can suffer. Is it, then, consistent with reason, with justice, or with humanity to continue a system so dangerous to prisoners at a sacrifice of so enormous an

expense to the public. If such be its danger and evil effects at Pentonville under the advantages which have been stated, what may be apprehended as its fatal results under less favourable arrangements.

It must be obvious that the experiment at Pentonville, even if in a high degree successful, would afford no proof of its general applicability or utility. Had the criminals confined in it been taken in the ordinary course, of all ages, characters, and constitutions, a fairer estimate of the effects of the system might have been obtained. As it stands at present, it is as if a deleterious drug should be given indiscriminately because a few of robust and youthful constitutions, with all the antidotes of medical skill, had survived its effects. Let it not be forgotten that in one prison 65 youths were rendered idiots in a few years; and let the admirers of the theory of separate confinement ask themselves on whom does the responsibility rest for this most cruel and lamentable catastrophe.

Even at Pentonville, with all precautions and watchfulness, where on the first apparent symptoms in any prisoner of what is called "breaking down," he is released from solitude and placed in association, in 1848, the physician reports five cases of mania and two of delusions. One prisoner succeeded in hanging himself; another attempted to commit suicide, and has shown a determination to destroy himself. The physician considers him sane, but under what is termed "a moral insanity." Within the year, 37 prisoners were removed from the prison, as unfit for, or unable to endure the discipline, 6 were pardoned or removed on medical grounds, being in a dangerous or hopeless state of illness, and 7 deaths occurred in the prison, making 13 persons who died or were pardoned, being either in consumption or insane: 4 were sent to Bethlehem, being maniacs, 1 attacked with mania recovered and was sent to the hulks, 2 were pardoned, having diseases of the brain and phrenitis with illusions, 2 others had illusions, one who suffered from a "peculiar illusion," was embarked for Australia, the other who suffers

from "auricular illusions" is still in prison. Thus, in the course of the year 37 were removed as unable to bear separation, 6 were dismissed insane, 1 sent to the hulks as recovered, and 2 suffered illusions: in all, 9 whose minds were destroyed, or seriously injured. Such are the effects of separate confinement even in a prison where all the prisoners are young and healthy; where the spirits and hopes of the men are sustained by indefatigable exertions of numerous officers and zealous clergymen; where association after a shortened period of separate confinement is permitted, and where every possible encouragement, and prospect of future advantage are held out to the men.

At Wakefield, there were 14 attempts at suicide in 1848, all but one by prisoners in separate cells; and the surgeons report that 10 or 11 prisoners were removed from their cells, "in consequence of their minds being affected," several, with permanent injury to their minds," 31 prisoners were ordered by the surgeon, on account of their health, to be employed in the garden for from 1 to 4 hours daily.

Surely it is a dreadful reflection to be a participator in reducing a single fellow creature to idiocy, by a slow process of what I am unwilling to designate as it appears to me to merit. But in separate confinement, that rational intelligence, the peculiar emanation breathed by God into man, is destroyed in numbers of human beings. Let any advocate of the theory ask himself, how he will compensate to the family of one of these poor maniacs for the destruction of their father's mind; but there is an account to be rendered at even a more solemn tribunal than that of conscience or humanity.

From my own observation and communication with criminals and with prison officers, I have obtained the strongest conviction that separate confinement is, in its natural and general tendency, prejudicial to the minds and bodies of the prisoners. Precautions which invalidate the theory and practice of the system may, in some measure, prevent its effects, and where the

prisoners are visited every half hour, amused instructed, and constantly conversed with, the evils of solitude are obviated, but the punishment ceases, the ends of justice are marred, and the prisoner is made an object of solicitude and attendance, involving a most disproportionate expense, and a treatment perfectly inconsistent with the character of its criminal subjects.

Dr. Baly observes, "The last cause of consumption is a depressed or listless state of mind. Although there may not have been much absolute despondency or remorse among the prisoners at Millbank, yet there was a state of mind not less injurious, —I mean a listless and torpid condition, an absence of all cheerful or varied thought, attended, in most cases, by an uneasy and anxious sense of restraint, and desire of liberty. The influence which this state of mind had excited, became most apparent, when it was suddenly removed." Colonel Jebb, whose report is written with much candour and judgment, observes, that "on visiting the men in their cells, they very generally appear cheerful, and complaints of any kind are rare. This appearance of cheerfulness is more probably owing to the excitement of their solitude being broken in upon, than to any abiding feeling of the kind when alone."

The condition described by Dr. Baly is that of the *generality* of prisoners in separate confinement. They experience little mental pain or suffering, and have no acute regret or anxiety; they know that their condition is unchangeable, and that they will have abundance of food and bodily comfort, and their minds become apathetically content. A large portion of their time is spent in sleeping or dozing; few can read with sufficient facility and intelligence to keep the attention alive and the mind interested and employed by the ideas supplied by books. Observation and conversation, in ordinary circumstances, supply the food and the exercise of the understanding to men in their condition of life, and deprived of both, their minds soon grow weary of reflecting on the past, and cease to act; they exist without thought, and gradually become inca-

pable of thinking. As the joints of the poor boys, unexercised, grow stiffened, so the minds of the men unemployed in observation and discourse grow dull, listless, and idiotic. This I am persuaded is the natural and general tendency and effect of separate confinement, and indeed the admissions and declarations of its advocates above adduced, are amply sufficient to prove that such are its fatal results.

The effects of separate imprisonment will, no doubt, depend on the peculiar habits and character of the criminal. Some of strong minds and studious disposition, accustomed to solitude, may endure the confinement without injury. Others, haunted by recollections of crime, will hear voices and behold sights of horror soon driving them into insanity.

Separate confinement is admitted to be injurious to "physical power," and a general appearance of relaxation, want of vigour, sallowness, and the habit of profuse perspirations distinguished the prisoners. I have refrained from adducing the testimonies of officers with whom I conversed, for obvious reasons, but I may mention that I perceived a strong and prevalent feeling of compassion for the prisoners as in a condition fraught with evil to their minds and bodies. It was reported to me that prisoners from separate confinement, on their arrival at Portland, are dull and dejected at first, and that a considerable time elapses before they recover, and are able to work as the other men, several for a long time continuing dejected and weak.

CHAPTER V.

THE DETERRING EFFECT OF SEPARATE CONFINEMENT.

It may be said, that if separate imprisonment be so injurious, it must therefore at least be a severe punishment; but this is by no means necessarily the case; for the injury however great, as has been stated, may neither be painful in its progress nor completion—nay, may even be pleasing to those of an indolent habit.

It is, I suppose, evident that separate confinement for a week or fortnight in a warm, comfortable cell, 12 or 13 feet long, by 7 or 8 feet broad, with excellent food and clothing, cannot be a severe punishment to those who are accustomed to endure the want, cold, toil, and hardships, incident to men in the conditions of life to which criminals belong. It is only natural to suppose that all who suffer the misery of want, or labour under bodily infirmity or disease, without sufficient food, care, and medical attendance, should desire anxiously to be admitted to a place of confinement affording the comforts and advantages possessed by the inmates of prisons on the separate system. It would be unnatural and unreasonable were it otherwise, and that many more do not commit crime to get into prison, results as has been stated by a prison authority, from an undefined dread of a prison, and from ignorance of the treatment of criminals in confinement.

No conceivable arrangement of prisoners is so adverse to compulsory profitable labour, as the shutting them up perpetually in cells, as well from want of space as from the impossibility of constant supervision. The necessity for artificial contrivances, in order to obviate the defects and evils of an unnatural system of prison discipline, has led to the invention and adoption of what is called a "Labour Machine." This instrument consists of an iron crank in the interior of the cell, with machinery inserted in the wall, on the outside of which, in the corridor, is a dial plate connected with the works, and showing the number of turns given to the crank by the criminal. The machine may be regulated to turn with difficulty or facility, proportionate to the strength of the prisoner; it costs from £5 to £6, and is utterly incapable of being applied to any useful work. This machine is entirely an instrument of torture and of exercise; it is plain that the prisoner employed at it must be in a "dejected state of mind," one of the influential causes of consumption. Labouring in solitude at the same dull toilsome rotation, and in the close warm atmosphere of a cell, without objects to engage attention, or the fresh air of heaven to sustain and revive his increased circulation and exhaustion, he must be either listless, dull, inanimate, and in a progress to imbecility, or he must be filled with hatred and indignation, at being compelled to toil at an unmeaning and unprofitable work.

However exceptionable such methods of labour may be, none other, of a character likely to be felt as a punishment, are applicable to prisoners for short sentences in separate cells. The miserable and profitless occupation of picking oakum, in which, perhaps, the great majority of prisoners at labour in the gaols of the United Kingdom are employed, is condemned, I believe, by every Inspector, and is only retained from inability to provide better employment for criminals in the prisons as at present situated and constructed.

Imprisonment or confinement of any sort, must be a severe punishment and privation to those who have the means of enjoy-

ing the comforts and social advantages of life, and even to those in whom it is a refuge from starvation and death, it is still disagreeable as a substitute upon liberty and separation from relatives and associates, and that the severity of the punishment is much increased in the generality of prisoners by confinement in a separate cell, is not I think probable. The prevention of association with their fellow prisoners is felt as a loss, not as a suffering, a want of enjoyment rather than an actual penalty in crime. Many, in fact, would gladly exchange their solitude for the society of their fellow prisoners, but this is the natural effect of becoming tired of any condition remaining unvaried for a long time, however agreeable it may have been for a short period. On the other hand, it is probable that many, especially for short sentences, would greatly prefer a separate cell to association. Such a preference is very commonly expressed by prisoners, and is regarded usually as proof of a reforming disposition, but it may perhaps, result from love of isolation and tranquillity. I have found prisoners even for long sentences in the highest state of content and enjoyment in their separate cells, perfectly satisfied with their hours of exercise, conversation with chaplain and schoolmaster, reading and such amusement as they could provide for themselves. Numberless instances of females were reported to me by matrons of prisons, who expressed great regret at leaving gaol, and in some cases I was assured it was the general feeling of those who had not families.

I have seen criminals in separate cells, studying "Brown on the Human Mind," and other works of philosophy; others reading Natural History, and entertaining tales, and some learning languages; such employments and indulgences were encouraged by the authorities as means of preventing the minds of the criminals from suffering by solitude—but it may be doubted whether such occupations constitute a fit retribution to homicides, forgers, and felons, for their offences against society.

Even though separate confinement in itself should be an

object of dread to criminals, its terrors are removed or counter-balanced by the indulgences which it presents. Its high diet alone would be considered by many as more than compensation for separation. An idea is entertained, gratifying to the pride of criminals, that those who have gone through separate treatment are better than others, and are regarded as necessarily reformed. Many advantages are held out at the termination of imprisonment and the pleasing occupation of gardening soon succeeds their diminished period of confinement in a separate cell. They are treated as objects of tenderness and interest, the character of the system and credit of their instructors being felt to depend upon the health, appearance, intelligence, and profession of amendment of the prisoners.

Captain Kincaid, in his report of the Scotch prisons for the present year states, " I have found many prisoners, chiefly those of active minds, who expressed a wholesome dread of the separate system ; but there seems to me to be a *greater number who entertain no such dread*, and who, when they find they have to perform a harder day's work to obtain a living out of doors than they did while in prison, will not scruple in putting themselves in the way of returning to it. A course further induced, by finding that the intervals between their imprisonments offered holidays, (if this may be so called) to which the industrious poor can never look forward."

In almost every prison which I visited, I was assured that imprisonment was regarded without terror by the great mass of prisoners. Some persons were even pointed out to me who had been thirty, forty, or even sixty times imprisoned. Several were said to have cost the public immense sums for their prosecutions, each of which is attended with an expence of £9 or £10. Three boys imprisoned at Newcastle, each from 12 to 15 times, with their relations, had put the borough to an expence of £350. Many spend years in prison, going out for a few days, and regularly committing some offence to obtain re-admission. I was repeatedly informed, of prisoners who made

a habit of getting imprisoned to be cured of disorders acquired by irregularity of life.

Mr. Hill, reports the case of a man who broke a plate glass window worth fifteen guineas, to get into prison, to be cured of a similar malady. The reports of the inspectors confirm information frequently given to me, that destitute persons prefer the prison to the workhouse, or that refused admission into the latter, they commit offences to find a refuge in the gaol. It seems to me therefore, that while any system of imprisonment with work, would be a punishment, and convey terror to persons possessing the comforts and enjoyments of life, (the separate system, however, perhaps less than any other) no existing gaol or penitentiary is capable of deterring the great mass of criminals, whose condition of life subjects them to more severe labour and greater restrictions than those endured in prison.

CHAPTER VII.

REFORMATION OF PRISONERS.

It is a sad declaration, which few will deny, that crime is generally the result of necessity. Masses of people in all large towns are without regular means of existence. Parents are compelled to send their children to beg, thousands of females who when in work can only earn from three to four shillings a week, and who are frequently out of employment are compelled to resort to prostitution to escape starvation. To persons in such a condition, crime and vice appear justified by necessity, and convey little or no reproach, compunction, or shame. Recent investigation proves that in London alone probably eight or ten thousand women, employed in three or four occupations, are in this lamentable condition. It is not therefore to be wondered at that the committals to prisons in London alone now equal those in the whole of England and Wales in 1805. The principal institutions and laws of society are for the protection of person and property, and those who conform to these laws and principles are termed innocent and honest, but there are thousands and hundreds of thousands who either cannot by any effort, or are unwilling to make the necessary exertion, to obtain property sufficient for their bodily wants. To them the laws and principles of society present no sanction, or moral obligation. It is well for those who can live to be honest, but necessity is an

excuse in the eyes of the destitute, for crime, to them it is a matter of indifference whether they consign themselves to the prison or the workhouse save as the one or other may afford preferable accommodation.

In the judgment of the moralist it is believed, that the plea of necessity must often be allowed. A feeble old man in the gaol of Athy, was several weeks, and would be nearly three months in prison before the period of his trial should have arrived; he was charged with milking a cow, not his own; his defence was;—he had a sick and starving child. Can humanity condemn this poor man as a criminal? How many thousands of wretched children have no other alternative than theft or starvation, who if they do not steal the purchase of a meal, must sleep hungry in the streets? How many daughters of sin and woe are compelled to become outcasts to avoid starvation?

Three most important conclusions are to be drawn from these unhappy facts. 1st. That no system of punishment can deter from that to which necessity urges.

2nd. That reformation of the guilty is not to be expected in prisons until the destitution which compels the poor to commit crime be removed, and some other resource be provided.

3rd. That every principle of justice and humanity require that a distinction in sentence and in treatment should be made between the victims of destitution, and the voluntarily unnecessarily criminal; nor can any penal system deserve the name of moral or reformatory which does not regulate its discipline in conformity with this essential distinction in the condition of offenders.

In prisons not on the separate system, the means adopted for the reformation of criminals are generally matters of form and decency, a tacit belief prevailing that all efforts are useless. Men guilty of the most inhuman and unnatural offences, stained with blood and crime, are often associated in unrestrained communication with persons convicted of petty larceny, and sometimes even with vagrants or men convicted for intoxication. Shocking to

state they sometimes sleep in the same rooms, or even in the same cells with boys locked up for many nights 10 or 12 hours together in darkness.

It is vain to expect reformation in such a contaminating intercourse, and Governors and Matrons, according to their respective candour and humanity, lamented that prisoners in general were rendered very much worse by their confinement.

The great mass of criminals, however, may be regarded as familiar with every species of evil communication among their associates before their imprisonment; and even in the worst prisons religious truth, and the consequences of crime, and the inducements to virtue are at least partially set before prisoners, so as in some degree to affect their judgments and create within them a counteracting influence to the inducements to crime, which may at some future period, under favourable circumstances, tend to their reformation.

Captain Kincaid observes, that "The evils of prison associations have long been a favourite theme to write and to discourse on, and they are bad enough; but the fact must not be lost sight of, that the dens of infamy from whence the majority of criminals find their way into prisons, and to which they return on their discharge, contain associates as bad as can be found in any prison, and under circumstances infinitely more demoralizing; while in prison, their evil passions are under restraint, and they have the best advice continually thrust upon them; out of doors they are without either." "I am of opinion that little good can be effected in prison, unless under deterring systems, such as may not be calculated to damage the energies of the prisoner; but at the same time of a nature to make him feel that an honest way of life is preferable to a prison abode."

Captain O'Brien, Inspector of the Midland District, states, "Increasing experience painfully impresses me with a conviction that few, very few sentenced criminals are so far morally changed by the instruction afforded in the best managed prisons as to be

able to withstand such temptation as that under which they had previously succumbed."

The judgments and understandings of prisoners may be improved, the feelings, dispositions, and desires of many may be amended and awakened to good by a newly-created principle of truth and virtue; but the habits and lives of very few are perceptibly or immediately reformed.

As before observed, falsehood, deception, and dishonesty are the general character of criminals, but they are not destitute of the feelings or sentiments of humanity, nor are their minds or hearts insensible to truth and benevolence.

Deterring punishment may produce an apparent reformation in those habits which expose the person who practices them to imprisonment; but while effecting this amendment, by itself alone it is calculated to increase the disposition to deceive, and to harden the heart by feelings of dread, indignation, and enmity.

Instruction, religious exhortation, and a visible tendency in the treatment of criminals to benefit them, by regulations whose necessity and advantage are apparent, and a prospect of obtaining a livelihood by honest labour are means of reforming the habits and hearts of criminals.

In separate confinement, the unnatural condition in which the prisoner is kept opposes great obstacles to his reformation.

1st. The state of mind and feeling which separation engenders is opposed to the natural exercise of the faculties, in judging propositions and yielding to influences. Listlessness and apathetic submissiveness are mistaken for docility, and the ready reception of instruction and compliance with directions are regarded as proofs of reformation. It is forgotten that where there is no temptation there can be no trial of principle, and that to comply with and gain the approbation of the minister is as gratifying to the pride as advantageous to the interest of the prisoner.

The declarations of religion and of reason do not lead to the

belief or expectation of sudden and easy conversions and reformations of criminals. A strong desire for the divine pardon, acceptance, and grace is generally esteemed necessary to religious conversion, and this sentiment is founded on a sense of guilt and desire to avoid its consequences. In criminals who are generally hardened against the sense or confession of sin, it is a work of time and much instruction and patient expostulation, to induce a true sense of their relation to God, to make them understand how every duty has been neglected and every command violated ; and still more difficult after the acknowledgment of this belief to impress a fitting sense of guilt, a true and deep contrition for a life of offence to a God of mercy, and of injury to their fellow beings. It seems plain, that these sentiments and feelings are not to be attained without many internal struggles and conflicts of opposite desires and thoughts, and experience will greatly doubt the genuineness of religious profession in men generally influenced by secret incredulity, and accustomed to deception and duplicity, and who are under the strongest inducements to deceive others and even themselves into a belief of their reformation.

My own experience has rendered me fully acquainted with the want of reality in the professed religious reformation of prisoners. In many cases the profession was either entirely or partly insincere, the professor living with little or no effort to forsake sin and conscious of his own hypocrisy, in almost every instance the profession of religion was without the appearance or evidence of contrition or repentance. There were no doubts or fears of acceptance, no hesitation about their own condition. They uttered confident and even presumptuous declarations, and boasted of their own attainments contrasting their condition with the iniquities of other convicts. This is the reason that so few persevere when they leave the prison in the principles and conduct which they professed within its walls.

It is the course of nature or providence that from infancy to old age each moral principle should be tried as it is acquired,

and indeed its existence and reality are only known by being exercised under trial and temptation. I consider therefore, that to induce a profession of the highest principles of religion, to draw forth declarations of pious feeling and addresses of devotion from wretched criminals, habituated to deception, and in a condition where their principles and feelings undergo no trial, is deceptive and pernicious. That it is deceptive is evident from reason,—from the fact that so few persevere in virtue, and from the common declarations of Chaplains to Gaols on the separate system, that no confidence can be placed in the profession of reformation till it has been tried after the professor has left prison. That it is pernicious is evident since it has involved the prisoner in the guilt and evil consequences of a grievous hypocrisy.

It therefore appears to me, to be far more beneficial, as it is more natural to inculcate moral and religious instruction to prisoners exposed to the trials resulting from communication with their companions, restrained within the limits of decency and external propriety by constant supervision. Under any circumstances they must soon be exposed to the temptations of association, and it seems reasonable, that the danger would be less and the advantage greater, to inculcate religious principles, to be tried and proved as they were received, and professed, rather than to expose the supposed reformation effected in isolation, to the sudden and overpowering temptations of association with companions in former guilt.

2nd. In separate imprisonment, I apprehend that the minister is, in some degree at least, precluded from testifying the wrath of God, and His judgment on the workers of iniquity. I was informed of one minister who was removed because his exhortations were supposed to have caused uneasiness and dejection, and to have contributed to the tendency to insanity among the prisoners. This, I suppose, is not a salutary restriction, or one becoming an expounder of the whole truth of Scripture.

3rd. As in separate imprisonment the more hardened and

evil disposed are supposed to be precluded from corrupting the less criminal, so on the other hand the minister of religion is prevented from making use of the greatest means of good in a prison—the employing of the well disposed to assist in the instruction and improvement of their fellow prisoners, an occupation equally advantageous to both, and of the highest benefit to the interests of the prisons. This is a loss of very great importance, and far more than a compensation for the advantage of preventing for twelve months a communication among prisoners, which is to be renewed at the termination of that period.

4th. Much importance and advantage have been attributed to the facility afforded in separate imprisonment for ministers of religion to learn the feelings, disposition, thoughts and lives of each criminal. But is this consistent with the character of the Protestant ministry? If it be, which I think it is not, I am persuaded that it is disadvantageous to the prisoner. Of what avail is it, to search out the impure deeds and thoughts of each criminal? There is but one way of reformation and salvation for all, namely, from dread of The Most High to repent of *every evil deed* and to be converted in heart from the love of sin to the fear and love of God. The scrutinising into the secrets of the criminal is directly conducive to lead him to deception, and to entertain a high opinion of himself and of his concerns, which he sees to be regarded as subjects of interest. He knows that approbation, commendation, and recommendation will be bestowed on him if he be regarded as one reformed from the depths of iniquity, and as an example of the success of the system, and it would be inconsistent with the whole tenor of his life and his principles of conduct, if he did not by a skilful deception induce a persuasion so advantageous to himself.

Of 1,000 prisoners, 265 were admitted to the Holy Communion during their imprisonment at Pentonville. In other similar prisons that sacred ordinance has never been administered to the prisoners save at the approach of death. It is not just to estimate the conduct of the zealous and successful chaplain

at Pentonville by the proceedings of other ministers probably less faithful and efficient, but I confess I read the statement with dread and apprehension, remembering the denunciation on those who receive it unworthily, and fearing that among so large a number of criminals several may have been hypocrites and deceivers, and many have been presumptuous and unrepentant. In the primitive church criminals were excluded from the communion, for long periods proportionate to their offences, nor were they admitted to that ordinance till they had fully and publicly approved the sincerity of their repentance in the eyes of the congregation.

From my own observation in ministering to prisoners, I was led by painful experience to regard with distrust those who made themselves prominent in the expression of religious feelings or observance of ordinances, such as reading the Bible and Prayer Book, repeating responses, singing psalms &c., and regarded as far more hopeful those who withdrew themselves from notice, and showed signs of shame or compunction.

In almost every prison which I visited, I found that it was the belief of the governor and matron that the chief if not the only means of reforming prisoners was by the ministration and instruction of the chaplain. In visiting the prisoners and enquiring concerning their instruction in religion, I could tell the character of the teaching by the manner of the prisoners. When the exhortations of the minister were fervent, personal, and extemporaneous, flowing from his feelings, the prisoners were animated in describing his attention, the subject was evidently very interesting, and they seemed anxious to convince me of his goodness. When the service was a formal reading of the Liturgy and of a sermon, the manner of the prisoners was very different, they evinced no interest in the minister or his ministrations.

Several of the governors of prisons, who seemed anxious for the reformation of their prisoners, expressed a great desire for a personal, earnest, and impressive ministration of religion in

their prisons: and more than one communicated pleasing results of their personal exhortations and religious instruction to the prisoners under their charge.

The chaplain to a prison is naturally induced to form a very sanguine opinion of the reformation of prisoners, and I am bound to declare that cases where the most confident declarations of the improvement of the prisoners were made by the chaplain, the civil authorities disbelieved their reformation, considered him too sanguine, and misled by false professions. "He believes all who cry, to be penitent, and all who pray, to be reformed."—While therefore the statements of chaplains respecting the reformation of criminals are to be received with due allowance, it must be acknowledged, that in prison discipline there is no more important principle than the necessity of providing for every prison a minister distinguished for benevolence and sense, one whose object it is to save immortal souls by reforming them from iniquity, and who is animated in his great object by affection to his people and love to his Redeemer—a man whose delight is in prayer, talking of the divine mercies, explaining the divine word, and communicating the divine love.

In a certain Probation Station in Van Dieman's Land every convict but one diligently attended the school, which is kept at each station for two hours every evening. At other stations, no inducements could procure the attendance of the men. The Government wrote to the religious instructor to know what was the peculiar plan by which so general an attendance was procured. He was unable to point out any particular arrangement, for the attendance of the men was simply the result of the affectionate and benevolent interest he exhibited towards them, and of their unwillingness to displease him by their absence.

I am convinced that harmony among the men, good feeling towards the officers, and cheerful performance of duties and labour, will depend in a great degree, upon the influence of the minister, and the interest which he excites and keeps up in the minds and feelings of the prisoners. Little acquainted with

disinterested affection, or the benevolence of religion, their influence on the minds of criminals is proportionably strong, and produces a softening of character of the greatest advantage. A striking example of this was observed among the convicts who had sailed for Van Dieman's Land, under the charge of Dr. Browning; however subsequently unreformed in conduct or addicted to vice, they ever retained and expressed the deepest sense of respect and attachment for his christian and paternal care, and evidently had upon their minds the idea of a religious and benevolent man, an impression at all times salutary, and which may tend at some future season towards their repentance and reformation.

The Inspector of the Midland District, observes "In some gaols a formal worship in the chapel, unaccompanied by explanations of Scripture, or interpretation of the meaning of common Biblical words, is all that is given to the prisoner." "In the prisons to which I now allude, an apathy and sterility are found and must be found, so long as the preacher is unaccompanied by the teacher." "As yet I have lighted upon no case of reformation where the chaplain's duties have been confined to the routine of church service, unattended by attempts to make the prisoners "read, mark, learn, and inwardly digest the rudiments of all good."

CHAPTER VII.

SIX CLASSES OF PRISONERS.

In England and Wales there were 116,500 committals to prison for criminal offences in 1847. In Ireland, 100,541 committals took place in 1848, and in Scotland in the same year 17,402, total 234,443. The persons who were thus often committed to prison are probably not the half or third of the criminals in the United Kingdom, who have been confined in this or in preceding years. Consideration on the immense number of criminals committed to trial,—on their great annual increase, and on their influence on their families, friends and associates, will give a deep impression of the prevalence of crime—of the extent of demoralization among the poor, and of the necessity for a comprehensive and effective system of penal discipline.

There are six distinct classes of prisoners, each of which should be subjected to a peculiar and appropriate punishment or treatment. 1st. The untried. 2nd. Vagrants. 3rd. Debtors. 4th. Thieves, poachers, smugglers, those convicted for assault, and under the bastardy laws, trespass act, and police acts. 5th. Felons. 6th. Murderers and offenders guilty of other capital crimes. These are again distinguished as they are boys, girls, men, or women.

It is a *principle* in Penal Discipline, that criminals of various classes or degrees of guilt should as little as possible be

mingled together, in order to effect this important object, prisons should be appropriated to each class of criminals, so that the evils of communication may be lessened, and a uniform treatment may prevail in each prison. Until this principle be carried out no satisfactory system of discipline can be established. While men, women, and boys, murderers, debtors, paupers, and vagrants, aged, infirm, and lunatic are mingled together, or treated separately within the walls of each prison, it is plain that while the labour and difficulty are infinitely increased to the officers, no uniformity of arrangements in food, work, or treatment of the prisoners is practicable.

This principle has already been sanctioned in the prison for untried at Clerkenwell—that for boys at Parkhurst, that for women at Richmond Penitentiary, Dublin; and those for convicts at Spike Island, Portland, and the Hulks.

The stages of punishment should be progressive at short periods. The prisoners in each, having before their attention an improvement in their condition after a short period of good conduct. If there be no improvement, a great inducement to cheerfulness, exertion, and good conduct in the prisoners is lost. If the periods of each advancement be distant, its power as an inducement is greatly diminished.

The condition of well-conducted prisoners should be made to improve in every possible way,—in clothing,—food,—hours of relaxation,—description of labour,—indulgences and privileges in prison,—the allowance of a portion of earnings,—shortening of sentence, and subsequent employment in subordinate offices.

No criminal should be sentenced to imprisonment for a shorter period than four months. Imprisonment for a less term cannot be made a sufficiently deterring punishment, nor can habits of industry and temperance, and the knowledge of religious and moral truth be taught in a shorter period.

It is of the utmost importance, that after the trial and sentence of each convicted criminal, an accurate account of his condition should be transmitted to a tribunal authorized to

determine the character of prison and discipline to which he shall be subjected. The account of each criminal should detail his age,—habit of body and strength,—whether married or single,—whether having parents or not, — whether having children or not,—what property he may be possessed of,—what trade or profession,—what the characters of his associates,—what his reputation,—whether before convicted or tried,—whether sober or addicted to drink,—whether dissipated or not,— whether apparently hardened or not,— whether violent and resolute, or timid and gentle,—where and for what periods he may have latterly resided.

A subordinate officer of police of assured integrity and experience should be attached to each court of criminal justice, and commissioned to learn these particulars respecting each prisoner and report them to a central Board of Justice empowered to determine the class of prison and character of treatment to which the prisoner shall be subjected. Such an arrangement as this would be productive of the highest advantages, in apportioning to each prisoner a description of work and mode of treatment suitable to his condition.

No sentence upon any criminal should be determinate respecting the period of his imprisonment, but should be awarded with the understanding that he must fulfil the period of his sentence obediently, and conforming to the rules of the prison in which he may be placed, or that otherwise the period of his sentenced imprisonment may be increased one-half. This would give a moral character to imprisonment and would be a great inducement to good conduct.

It should be a fundamental principle in Penal Discipline that every prisoner must support himself by his labour. This, as will be shown hereafter, may easily be effected. A portion of the earnings of married prisoners should be sent weekly to their families. The earnings of prisoners above the cost of maintenance should be given to them at their departure from prison. Convicts sentenced to transportation should be com-

pelled to earn a large part or the whole of the price of their passage before they receive permission to depart.

Vagrants and paupers applying to be allowed to enter into a prison should never be refused. A denial is a direct injunction to them to commit a crime. Mr. Hill says, "It appears to be very desirable, with regard both to prisons and workhouses, that every one who asks for admission should at once be received, without reference, in the case of the workhouse, to the degree or cause of destitution."

CHAPTER VIII.

UNTRIED PRISONERS.

In the various prisons of England and Wales in the year 1847, 42 female and 292 male prisoners were detained in prison above *six months* before they were tried. 161 females and 852 males were imprisoned above *three months* and under six months before they were brought to trial. 626 females, and 2,299 males endured imprisonment for above two months and under three months before they were tried. 1,172 females and 4,743 males were confined above one month and under two months before trial. 4,985 prisoners were acquitted at bar, 1,618, had no bills found against them, and 494 were not prosecuted. 20,821 were convicted. One-third therefore of those imprisoned as untried, were acquitted or discharged.

The law of England is said to regard every man as innocent till he be convicted, if so in no country do the annals of criminal injustice contain such an amount of cruelty practised on the innocent as that detailed in the above statement. It is a melancholy example how far habit can destroy national and individual justice, and what an amount of the most dreadful and unnecessary cruelty may be perpetrated under the name of law. Let humanity compute how many hours of bitterness and woe were spent by fathers torn from their families, mothers from their children, and children from their parents, before

the law had a right to impose on them one hour of suffering or even to conclude them guilty of an offence. Let the ruin and desolation brought on families by the absence of fathers and mothers, needlessly prolonged, be estimated, and one ground at least for the demoralization of the labouring poor will be discovered. If anything can add to the crying inhumanity of this cruel injustice, it is the fact, that the poor alone are its victims. Those who have money can buy or procure bail for their appearance at trial, those alone on whose daily labour families are dependant, must be shut up among the basest criminals to mourn for months over their starving offspring.

I observed in a city gaol a decent looking woman, a picture of silent misery, sitting among the other female prisoners, who appeared to respect her sorrow. On inquiry I found that she had been once in respectable circumstances, that her husband had died leaving her with two infants, she had been accused of stealing a pair of fowls, and was taken away from her children, from whom she had been absent three months, without being brought to trial. They were left in a lodging in which she had no friends, and she feared they must have died of starvation.

In hearing descriptions of the acts of cruelty practised in despotic countries, a feeling of pride and satisfaction is generally entertained by the inhabitants of Great Britain. Arbitrary imprisonment and secret confinement are supposed to be peculiar to tyrannic governments, and are regarded with self-satisfied indignation; but so great a number of imprisonments without conviction, for so many months, would not, I believe, be found to have taken place in the same time in all the despotic kingdoms in Europe.

It does not come within the objects of this essay to point out by what alteration or amendment of the existing legal arrangements, trials as immediate as possible may be afforded to all persons accused of crimes; whether by establishing a constantly sitting criminal court in each county town such as exists in London, or by increasing the number of Judges and frequency of their visitations to hold courts of justice.

If a boy be apprehended for theft, or a man be given in charge for poaching, for robbery, for assault, or any other common offence, surely it would be more rational and just at once to proceed to trial, while the circumstances are fresh and the witnesses present. If any particular circumstance rendering delay necessary may occur, the case might be postponed for a short period, but a delay and imprisonment for several months can scarcely ever be requisite. As trials are conducted at present each case goes through three separate ordeals. 1st. Before the Magistrates,—2nd. The Grand Jury,—and 3rd. The real trial and final judgment. Great expense and trouble are occasioned to prosecutors and witnesses, and in many cases crimes are allowed to pass unpunished and offenders encouraged by impunity, because the parties injured will not undergo the trouble, delay, and inconvenience of three protracted trials. So expensive are the proceedings in a criminal prosecution, that each case on an average costs the public from £9 to £15, and some a great deal more.

If the expense of these threefold tribunals, and of the cost of maintenance of so many thousands of untried prisoners were computed, it would probably amount to the sum necessary for changing the courts, or officers of justice at present existing in the several towns, into efficient courts for the immediate adjudication of the ordinary criminal cases.

The poor are under a strong persuasion of the frequency and facility of escape from punishment of criminals possessing wealth, through the skill of legal advocacy and technical artifice, and often through corruption of witnesses or bribery of prosecutors; they know that while a poor man must go to prison for assault, intoxication, killing game, or other minor offences, a rich man, whose moral crime is far greater, is dismissed with a trifling fine; they are not ignorant that while offences against property, which are generally committed by the poor, are punished with excessive severity, impunity for crimes generally committed by the rich is purchaseable, the penalty for seduc-

tion of a wife being a fine, sometimes not compensating the expences of the prosecution, that for the ruin of a daughter being, by an extraordinary example of the contempt of law for justice and humanity, a small sum of money paid to the father for *the loss of his daughter's service*. The poor, on whose labour families are dependant, if accused of any offence, must go to prison, often for months, before they are tried; the rich obtain bail and remain at liberty. It is worthy of consideration how far these regulations impair the moral sense of the poor, and tend to their demoralization by lessening their impression of the impartiality of law, and of the connection between crime and punishment.

Nothing is more important than that a strong conviction should rest in the public mind, of the inviolate justice and impartiality of the administration of law, and I am persuaded that this belief can never be general among the poor, until the forms of criminal prosecutions are simplified, the trials rendered immediate, and until fines, as a punishment for crimes, are abolished.

In most prisons a day room, a yard, and dormitory are appropriated to the untried prisoners. In some they are obliged to work, in the generality they spend their time loitering about in a listless manner, or conversing with each other. It is strange, that in prisons built expressly for the classification of prisoners it was not foreseen, that every variety of criminal would be associated together in the untried class, and that before conviction the greatest degree of evil communication would have taken place.

The House of Detention, lately built at Clerkenwell for untried prisoners, is liable to little or no objection in its arrangements as regards the prisoners, but the expenditure on the building and management surpasses belief. There were 90 prisoners when I visited the building, the average is about 100 or 120. Can it be credited, that there are no less than 48 officers employed in this small place of confinement, and yet the

cook has a prisoner for an assistant. No work is done in this gaol, nor any other duties required from the officers than merely bringing to the prisoners their food, taking them in turns to exercise in the airing yard, and locking them up in their cells, which are cleaned by the prisoners themselves, who, I believe, wear their own clothing.

In contrast to this establishment, in the Surrey County Gaol, at the same time, there were 24 untried prisoners, from 1 to 6 weeks in prison. One man had been in confinement for 11 weeks. There were 33 misdemeanants; 25 for want of sureties; 9 state prisoners; 42 debtors, and several felons. The whole number of prisoners was 222, of whom 45 were women, and several were boys.

Each of these classes was subject to a distinct mode of treatment, occasioning trouble to the officers, and work was required from males and women, yet the whole number of officers male and female employed in the prison, including governor, chaplain, schoolmaster, surgeon, and hospital assistant, was only 22. There were but one matron, one schoolmistress, and one female turnkey for the whole 45 women, who do all the cooking and washing, and make clothes for all the prisoners. It is not surprising that great evils should exist in prisons so ill provided with officers, and that gaols on the separate system which are so fully supplied, should exhibit more favourable returns in the regularity, &c. of the prisoners; but the contrast is very striking between two metropolitan prisons, in one of which, such a deficiency of officers exists, and in the other such a surprising number are crowded together, that one is at a loss to discover how they all can be employed.

The most rigid separation is rightly enforced among the prisoners at Clerkenwell gaol for the untried, and the only evil which has resulted from their solitary confinement is, the frequency with which attempts at suicide have been made, one with fatal effect.

In my opinion, the untried, unless imprisoned for capital

offences, should be allowed at least the same advantages as debtors, and unrestricted communication with their wives and families. The cells should be of a large size, the upper half of the door formed of iron grating, with a sliding wooden cover, which should be kept closed when the prisoner has any relative with him in his cell. The iron grating might be used to allow communication between the prisoner and other persons. In many prisons in Scotland, the minister preaches from one end of the corridor, the doors of the cells are partly opened and secured by a chain, and I was assured that the prisoners, even at the furthest end of the corridor, could hear distinctly; this is a most deficient arrangement in a gaol designed for the permanent residence of prisoners; but in a small prison, in which the inmates remain for a week or ten days only, the removal of the covering to the grating in the door would enable the prisoners to hear the service distinctly, and would save the expense of a chapel, and the trouble and difficulty of conveying the prisoners to it and back again to their cells, in such a way that no one prisoner can see another. At present, a whistle is sounded when a prisoner leaves his cell, another when he has entered chapel, and the same when service is over, so that for half an hour several times a day the whistle is sounding through the prisons at intervals of less than a minute. The 90 prisoners took 30 minutes to get from their cells to chapel in this way, and no doubt a great part of the numerous attendants were employed in preventing the possibility of a glance of recognition. The grating always uncovered when the prisoner is alone, would also prevent suicide, or attempt at escape.

CHAPTER IX.

VAGRANTS.

In England and Wales in 1847, the vagrants committed to prison amounted to 19,621, or one-fifth of the whole number of prisoners. As the daily average number of prisoners was 16,167, the number of vagrants in prison probably averaged 3,200. The returns from Ireland and Scotland do not enable me to give the number of vagrants imprisoned in these countries, but the proportion is probably not less than in England and Wales. The class of persons imprisoned under the title of vagrants, does not include the disorderly, or those reputed to be thieves, for they are classed under specific heads.

Above 3,000 persons therefore are throughout the year confined in the prisons of Britain without offence or charge of crime. They are imprisoned for sleeping in the open air, having no dwellings, being found wandering about, or begging.

It is plain that little difficulty exists in the treatment or management of this class of prisoners; all that is required is to place them in a condition where they can maintain themselves by their labour and pay their expenses. Little apprehension need be entertained of their escape, for it would be attended with no violation of justice, as they owe no atonement to the public for the commission of crime. At present the course of proceeding in prison is, as quickly and by the most effectual means, to turn the destitute vagrant into a skilful thief. In

confinement he is introduced to the most finished masters of the art of theft, and has ample time and opportunity for becoming captivated with the advantages, and a proficient in the practices of crime.

It would obviate this evil to have in the several districts of Britain places of reception for vagrants. The number of this class of persons would be sufficient for twelve "Houses of Employment," and by judicious regulations they might become a benefit to the public, and able to maintain themselves, or provide the means of emigrating to other countries.

As the "Houses of Employment" should, as much as possible, be divested of a penal character, transmission to one of them should be regarded as being a punishment only in detaining for a specified time those committed to it. No vagrant should be sentenced for less than four months' detention, but should be allowed to remain after the expiration of that period, and should be permitted to leave the "House" on proof of having obtained a satisfactory and certain means of livelihood.

As the place in which the untried are confined in Middlesex is called a "House of Detention" to diminish its penal character, for the same reason, in a stronger degree, the public abodes of vagrants charged with no crime should be called "Houses of Employment."

The distinction in the name of the places of detention, and in the treatment of vagrants from those of criminals, would tend much to prevent the confounding of poverty with crime which at present exists in legal enactments, as well as in prison discipline, and therefore necessarily in the minds of the labouring poor. It will therefore be of the highest public advantage to put an end to the fatal moral influence of imprisoning vagrants with criminals. While destitution is confounded with crime, the latter is invested with sympathy, and by its union with a condition, entitled to compassion, and not punishment; it is prevented from feeling or suffering its own degradation, and exclusion from the innocent or deserving. The effect on

vagrants of imprisoning them among criminals is at once to sink them into that class, and so constantly to recruit the ranks of malefactors. Nothing would tend more to elevate the moral condition of the labouring poor, than the consciousness that even in their extremest destitution, and when without a place in which to lay their heads, they should not have to endure the additional misery of being accounted criminal, committed to the prison of felons, and associated with the most vicious and abandoned. I leave it to those who acknowledge the obligation of justice and humanity to determine how far they are bound to relieve their destitute fellow-creatures from so unjust and injurious a calamity.

The arrangements proper to "Houses of Employment" will be treated hereafter.

The aged and infirm, destitute orphans, and persons suffering distress from temporary causes are the proper objects of Poor House or Infirmary charities. Vagrants are destitute and houseless persons not under any physical inability to labour for their maintenance. The principles which should direct the arrangements for their treatment are:—1st. The greatest possible mildness, indulgence, and advantages to the vagrants while conforming to the rules and objects of the "House of Employment," and severity with an immediate fall into the character of a criminal on any serious violation of the regulations. 2nd. Self-maintenance by labour, and provision for emigration or future support. 3rd. Instruction and innocent amusement. 4th. Self-management, or the employment of the most deserving as instruments to instruct, direct, and restrain the others.

In every "House of Employment" a number of inmates will have earned considerable sums above their maintenance, to be paid them on their discharge for passage money or other objects. Those who have such claims, by judicious management, may be made important instruments in the direction and restriction of the others. Those who have earned a claim for a

certain sum might be advanced to a first class; those who have earned a less amount to a second class; the newly arrived would form the third class. The three classes should be equally divided in each working party, and those who have claims, depending on their continuance in good conduct, would be a great and effective assistance to the overseers in encouraging and restricting the lately arrived. It might also be found advantageous to employ the best conducted among the public labourers, to instruct and be responsible for the lately arrived, allowing to each person intrusted with the care of another a small daily gratuity as a reward. By such means as these, with judicious superintendents and chaplains, and with a small number of working overseers, the "Houses of Employment" might be managed on a most economical, profitable, and generally beneficial plan, and the vagrants in place of costing £90,000 or £100,000 per annum, being one-fifth of the cost of the prisoners in England and Wales, might be made to support themselves, perform many useful public works, and elevate their own moral and temporal condition, and with it that of the labouring poor.

The following remarks corroborate the foregoing statements. Mr. Hill observes, "Both as respects prisons and workhouses, a great object to aim at, as well for the sake of economy as for the cure of most kinds of bad management, is to render the places self-supporting. At present, many vagrants appear to look to a workhouse or a prison as their regular winter abode; but, if these parties were compelled to earn their own maintenance, so far as possible, day by day, and before being allowed to depart to make up by their labour or otherwise for any deficiency, the confinement, besides being more severe, would last much longer than they desired, and would serve, as it ought to do, as a punishment."—As a punishment for what? Their crime so far as appears, is only destitution—that they must get into prison or starve; that they get in as vagrants, not as criminals, is rather an evidence of innocence and honesty.

Mr. Hill also observes, "There can be no doubt that as regards vagrants, at least, some of our prisons are not at present sufficiently deterring—nay, that they are made positively attractive."

Captain O'Brien, in apparent opposition to this opinion of the too favourable arrangements respecting vagrants, states, that "As regards vagrants—by far the most numerous class of misdemeanants (alas, for the crime of distress!)—the diet affixed to their class is actually lower than they often require, and, in a great many instances, the prison surgeon is obliged to give them more and better food than that which is laid down for their use in the official recommendations."

This is the case in the prisons which I visited,—the destitute vagrant who seeks the prison as a refuge and to escape starvation, gets scarcely enough food to preserve life; the felon and transported convict are feasted and tended with the utmost care.

In most prisons, also, the vagrants are excluded from instruction and the schools, by regulations allowing only those sentenced to above three months' imprisonment to attend. It may be asked, whether by this exclusion and the regulation respecting food, it be not designed to disgrace and starve the destitute wanderer into the commission of heinous crime, which would so improve his condition?

Captain O'Brien humanely observes, "It cannot be denied that petty crimes have been occasionally committed, in order that the delinquents might find temporary homes and shelter, and food in gaol; but, in point of fact, this only proves the abject destitution of the wretched beings thus driven to such a haven; and who would advocate a system which should place the prisoner on a par with these houseless, starving outcasts?"

This observation presents subjects of the most solemn consideration. Is sympathy to be shown to the criminal rather than to these poor creatures? If their wretchedness force them into prison as vagrants, should it be attributed to them as a crime, and should they be worse treated than criminals? Can

there be a stronger responsibility on the government, or a more heavy obligation on the humane, than the duty of elevating the moral and temporal condition of these our houseless fellow beings, and saving them from being compelled by misery and unjust prison arrangements to the commission of crime? It is confidently submitted to the common sense of the public, whether "Houses of Employment" would not effect these ends by a natural and easy operation.

The following is taken from the last report of the chaplain of the county prison at Northallerton:—

"The situation and feelings of this vagrant class of persons, who, in the North Riding, at least, constitute the great bulk of our criminal population, seem to set at nought all attempts at their improvement. They are undeterred by the zeal and activity of the police officer,—they are not reclaimed by the discipline of the prison, (in most of which they are starved and kept from school),—they are uninfluenced by any advice or instruction that can be given them,—and, consequently, when liberated, they resume their former habits, their crimes, and their associates." Is it to be supposed that they will lie down and starve to death, as too many of them do slowly? It is well known that few of them could obtain regular work, they must therefore beg and seek temporary subsistence by the occasional jobs which wanderers in the streets pick up. Why should they give up their associates? Who but those as wretched as themselves would associate with them? What are their crimes? Distress and beggary.

The chaplain would further observe, that with respect to the the gaol, there is at present something very anomalous. By many it is not, as formerly, regarded with aversion, but as a place of refuge for the sick, the houseless, and the destitute; for those, in short, who have none to help them. These, then, are the crimes which they are expected to give up from fear of police, or of the prison, or from advice. The chaplain justly observes, "Whether or not this be a healthful state of society

in which such an anomaly prevails, or whether there may not be in it something requiring the correcting hand of a paternal government, he is at a loss to determine."

The chaplain at Kendal says, that the vagrants settle down with remarkable complacency under their calamities in prison; that congenial companionship reconciles them to their periodical home, and that beginners, who really are bowed down beneath a sense of their disgrace, are soon laughed out of their noviciate, and become as hardened and shameless as the rest.

Some governors, as a skilful expedient, threatened to flog certain vagrants who repeatedly were sent to prison. This would have apparently cut off their last chance of getting into prison without a crime. They would know well that the destitute wanderer alone is subject to such arbitrary treatment, and that no governor dare flog a criminal were he ten times convicted.

The extent of destitution in England may be conceived from the following facts:—On the 25th of March, 1848, one million, ninety-six thousand paupers received relief from the poor rate; of this number 16,445 were destitute vagrants. Mr. Pigott, poor law inspector, states that in his district the number of vagrants admitted into the workhouses in six months of 1847, was 85,330, and in the same period of 1846, only 44,937; of the former number, 231 were suffering from fever, which they introduced into the workhouses, and which spread among the paupers. A similar increase took place in the other districts. He observes, "They spend the day in idleness, begging, plunder, and prostitution, resorting to the workhouses for supper and lodging; they tear their clothes to get new, and commit disorderly acts." He states that it would be highly advantageous if some new means could be formed of dealing with this class of paupers.

It might be supposed that there were some great attractions of food and comfort held out in these workhouses to these troublesome beings whose poverty is so incorrigible; but

many will be disposed to commiserate rather than condemn the destitution which compels them to resort to the workhouses, when it is considered that the reception they meet with is "an allowance of 8 oz. of bread, and water, for supper, with liberty to sleep on bare boards, without covering in summer; in winter loose straw is provided, and sometimes a blanket." For this hospitality they are obliged to pay with 4 or 6 hours' work at breaking stones, or picking oakum. The commissioners state, "We have always expressed the opinion that relief may properly be refused to paupers being able-bodied, not affected by sickness, or apparently urgent destitution." If when the poor rates exceed seven millions or one-ninth of the rateable property of England and Wales, which is estimated at 67 millions, relief can only be given when the signs of starvation are apparent, and if the relief afforded in the workhouses to the destitute is so scanty as to compel them to gain admittance into prison, it will not be denied that "some new means of dealing with the destitute is required," and it is submitted to consideration whether a more rational, efficient, profitable, and moral plan can be devised than that of confining them in "Houses of Employment," until they earn the means of emigrating, or procuring for themselves a way of subsistence."

CHAPTER X.

DEBTORS.

The number of debtors confined in the gaols of England and Wales in 1847 were 4,527; there were 843 debtors in prison at the commencement of the year, which I suppose is about the daily average in the various gaols.

There is no class of prisoners, in the treatment of whom greater inconsistencies and abuses appear to exist than in that of debtors.

It seems a very great injustice that fraudulent debtors, and those against whom no dishonesty has been proved, are treated, I believe, in precisely the same manner, and associated together. It is plain that the former should be treated as criminals and ranked with thieves, while the latter should be regarded as comparatively innocent, and treated as the destitute or vagrants.

Debtors are all bound to support themselves in prison, whether they be considered as destitute persons who are unable to pay the claims upon them, and have, therefore, even innocently it may be, deprived their creditors of property, and failed in their engagements, or whether they be regarded as fraudulent persons, who have committed these evils intentionally, or who refuse to repair them as far as they may be able. It is plain, that having placed themselves in a condition which renders detention necessary, having inflicted injury on others, and

weakened by evil example the credit of traders, and the social influence of honesty, they can have no claim upon the public for free maintenance, and are bound by labour to contribute to their own support.

Insolvencies are, no doubt, sometimes, but not frequently, compatible with the exercise of strict economy; of all reasonable precautions, and of a just care and caution for the interest of creditors; but a lenient consideration of insolvents will place those of them who are imprisoned, in an intermediate place between criminals and the destitute poor. If there are some debtors who, in the judgment of truth and equity, are free from blame, so even among criminals are some who are objects of compassion rather than of condemnation. There is nothing, therefore, in the condition of debtors to entitle them to be a further burthen to the community.

In most of the gaols, debtors who have no means of providing their own maintenance are supplied with rooms, have free intercourse with visitants, and obtain what food, drink, newspapers, &c., they may purchase, or their friends may bring them. They are generally to be observed either at some game in their yards, lying on their beds, or sitting conversing around the fire. Those who are without means of subsistence, are supplied with the prison allowance, and pass their time in a similar way. Debtors are at liberty to attend chapel or not as they like, and are not required to attend school.

The Reports of the Inspectors contain examples of debtors, who have continued or been detained in prison for several years, and numerous individuals were pointed out in the several gaols, who were said to have refused to give up their property to their creditors, and preferred to enjoy it in prison. In Winchester county prison, one of the master debtors was thirty-five years in prison. He had been a solicitor or solicitor's clerk, and supported himself by affording legal advice to other debtors; it was not supposed that the proceedings which he counselled or prepared, were dictated by strict equity or regard to the interests

of the creditors. His practice had one time been worth several hundreds of pounds per annum, and was still lucrative. This man's character, history, feelings, associations, and position are no doubt peculiar, and such as might defy invention and instruct philosophy; but his case is an example of the impropriety of making the duration of confinement dependant on the will or inclination of a prisoner. If a debtor deserve imprisonment for fraud, he should be treated as a criminal, his property should be confiscated to the custody of the law for the benefit of those who are entitled to it, and his offence should be punished by a definite sentence. The refusal of a debtor to obey the sentence of a court of law should be punished by confiscation as felony, in place of subjecting him to a confinement for contempt of court, which may continue while obstinacy or interest induce him to refuse obedience. Nothing can tend more to bring the law into contempt, and to show its futility as well as its disregard to the interest of creditors, than the allowance of fraudulent debtors to continue in prison for long periods, spending in extravagance and idleness property dishonestly obtained, and which should be restored to its rightful owners.

On the 28th of August, 1849, there were 181 debtors confined in the Queen's Bench prison, London. The prisoners dwell in a long range of building, in front of one side of which is an extensive piece of ground bounded by a high wall, used as racket courts, along the other side of the building is a narrow passage. The master debtors, or those who pay for their own provisions, occupy a room each, without any payment of rent; on the side opposite the racket court, the poor debtors, of whom there were 50 or 60, dwell in rooms fronting the other side. The poor debtors may play at rackets and continue in the court from nine to three daily, the others may play all day. The prisoners may work at their respective trades and sell their manufacture; many trades are carried on by the prisoners, including watch-making and engraving. Those who make affidavit of their not being worth £10 are allowed 3s. 6d. a week to live on, or may

have the prison diet, which is, for breakfast and supper, 2 pints of gruel, and 16 ozs. of bread; dinner, 3 oz. of meat, 8 oz. of bread, and 8 oz. of potatoes, with one pint of soup on alternate days. The bread is white and of the best quality. One cwt. of coals, and some other allowances, are given weekly to each prisoner in winter. Visitors are allowed into the prison from 9 a.m., and many remain till 9 p.m. The chapel will hold about 100 prisoners, and is generally pretty well filled on Sundays; there are no week day services or prayers, nor is there any school. There were seven female debtors in the prison. The generality of the prisoners appeared to spend their time in smoking, drinking, joking, laughing, and playing rackets; their more secret occupations, it is to be feared, were of a still more objectionable character. Their general air and deportment betokened recklessness and dissipation. The number of officers for males and females, including governor, two surgeons, chaplain and three clerks, amount to 22. The governor's salary is £800 per annum, house, and fees. The total cost of the prison for 1847 was £4,430, which for 175 prisoners, the daily average for the year, was above £25 for the annual expense of each prisoner. The total cost of prison diet was £23, or less than one-eighteenth of the expense of the prison. There is no charge to the prison for prisoners' clothing, bedding, cooking, or washing; nor for furniture, stationery, pensions, or repairs; nor for expenses incident to keeping prisoners at work, or to their removal to other gaols. The expenses of the imprisonment of debtors may therefore be considered extremely great. The salaries of the officers average £85 per annum.

By a judicious arrangement of the laws and regulations respecting debtors, the great expense and other evils of their imprisonment might be avoided. While under arrest, and undergoing examination, the general House of Detention appears the most suitable place for their confinement. Their examination should result either in a discharge or imprisonment as criminals.

I am afraid that the hidden reason for the anomalous treatment of debtors is to be found in the fact, that many of them are of the more wealthy and higher classes of society; and that, therefore, arrangements are continued by which all the indulgence and luxuries of life may be enjoyed by them in a prison, in contradiction to reasons and to the name and character of imprisonment.

All the reasons which have led so many to advocate separate confinement, even in opposition to its expense and numerous attendant evils, as a remedy for the demoralizing effects of association, are applicable with the greatest force against the present association of debtors.

Young men of extravagant habits, unsuccessful speculators, and unfortunate tradesmen are associated with sharpers, gamblers, swindlers, and defrauders of the utmost skill in their evil avocations, and of every description, who deride their pretended punishment and spend their time in jollity. Can invention discover a school more dangerous and likely to confirm every evil habit and propensity than such an association as this?

The following observation of Mr. Hill corroborates the foregoing statements respecting the treatment of debtors in prison:

“The number of debtors in this prison (York), seems to be always very large; many remain a long time, evincing no disposition to leave the place; and when it is considered what a very comfortable life they pass, with large airy rooms to dwell in, no work to do, plenty of company to associate with, spacious grounds to walk in, and with the county funds ready to purchase food for them if they have not property of their own, all surprise on this score must cease; the wonder really being that there are not ten times as many debtors, which there probably would be were the attractions of this place generally known. In fact, this prison, like many other debtors' prisons, is a luxurious kind of poor-house—workhouse would, indeed, be a misnomer—where the lazy and extravagant are maintained at other people's expense, and where the bare idea of being re-

quired by their labour, to do something towards earning their own bread, would be looked upon as the herald of unheard-of oppression and cruelty. Of the debtors in York Castle, at the time of my visit, one had been there nearly 11 years, two more than 11 years, and one 15 years. The governor said he did not think these men had any wish to leave the prison. I sent for the men to have some talk with them, and the drift of their replies to my questions was, that they would not apply for their liberation, because in so doing, they should have to surrender their property."

CHAPTER XI.

THIEVES, &c.

The fourth class of prisoners are, Thieves committed under the Larceny Act; Poachers; Smugglers; those committed for Assault, and under the Bastardy Law, Trespass Act, and Police Acts, &c. The Thieves imprisoned in 1847 under the Larceny Act amounted to 2,527; Poachers, 2,289; Smugglers, 643; for Assaults, 9,844; under the Bastardy Laws, 672; for Trespass 3,938; under the Police Acts, 4,338; for want of sureties 2,993; as reputed thieves, 3,366; on summary conviction, not included under the foregoing heads, 17,026. The total number of prisoners in these classes amount to 47,636, or nearly one-half of the whole number committed to prison for debt and crime in the year.

The offences enumerated in the above-mentioned classes are so nearly of the same character, that the criminals guilty of them, might be treated under the same discipline and in the same prisons.

This is the class of prisoners on whom especially religious instruction should be bestowed, as containing the younger portion of criminals, and those whose offences are not of such enormity as to preclude the hope of reformation, or render their permanent exclusion from society necessary. It is plainly requisite that such criminals should not be imprisoned for less than four months, in order to afford them time for acquiring instruction,

habits of temperance and industry, and the means of earning a sum of money to take with them from prison, that destitution may not cause a recurrence to crime.

Their places of confinement should afford them means of labouring in the open air for payment of their expenses, and earning a sum for their departure.

For the first month of imprisonment their food should be of the first or lowest scale, their restrictions and confinement of the severest order. Their diet, indulgences, and liberty should be improved and increased as their conduct might merit, and as their earnings might increase in the hands of the superintendent of the prison. The principle of allowing a portion of their earnings to prisoners is sanctioned and carried into practice, at Portland, the Hulks, Bermuda, &c., and is a great inducement to industry and good conduct as well as security against escape.

The principle of distributing among the labour parties those prisoners who have been long in prison, have considerable earnings, and have conducted themselves well, and of employing them in the subordinate watching, instruction, and direction of the other prisoners, as recommended in the Houses of Employment for vagrants, or destitute labourers out of work, is applicable also to prisons for thieves.

Prisoners of this class, who, during their sentence had made themselves useful to their fellow prisoners, and obtained the favour of the superintendent, should be permitted to remain in the prison after the termination of their periods of imprisonment, if desirous of doing so; and might continue to be allowed the highest scale of prison diet and indulgence, and to receive on leaving the prison the amount of their earnings, after payment of their expences, with a gratuity for a passage to another country, if desirous of emigrating.

It is the conviction of experience, that crime is in many, if not in most, cases, the result of destitution and distress. Of the thousands who depend on casual employment for subsistence,

and are exposed to the vicissitudes of fortune, and sometimes to the extremity of distress, stern necessity chills the moral feeling with an inward conviction, that theft and its consequences are more endurable than starvation. Of what avail are the fullest instruction, the most affecting appeals, the strongest moral or religious convictions to men in such a condition ?

It is plain that the demands of nature are more urgent than even the voice of morality and religion, and until a prospect of being enabled to earn food, raiment, and lodging, be set before the mind, reformation is not to be expected. The treatment of a prisoner therefore should present to his understanding a constantly ascending progress in the amelioration of his temporal condition. It is a principle of penal discipline, that the temporal and moral improvement of the criminal should be made to advance with equal steps. This is the great object in penal discipline, especially in the case of women, and one which can only be effected by a uniform system of prisons and treatment of prisoners, founded upon the principles of justice and common sense. Men live for the future, more than for the present; hope and expectation are more powerful than even actual and existing advantages, and in the reformation of the criminal the first great element is to elevate his mind, to arouse his energies, and to stimulate his exertions by the prospect of advancement and by the hope of a competency. Profitable and remunerative employment is therefore essential to a reformatory no less than to an economical, system of penal discipline, and the conviction in the mind of the prisoner that he is day by day acquiring the means of putting himself in the way of earning a future subsistence, will be effectual in calling forth that healthy exercise of his good feelings, which constitutes real reformation, and which is far more valuable than the strongest moral impression to be fixed in the torpid mind of the inmate of a cell saddened by memory of the past, and uncheered by present exertion and earning, or by a determinate prospect of future subsistence.

At Coldbath Fields' Prison stars of red cloth are sewn on the sleeves of well-conducted prisoners, sometimes to the number of six or seven, each entitling the wearer to two shillings and sixpence on leaving prison. This regulation is, I believe, attended with good effects, and is founded upon a just principle, but it is defective in being the result of negative behaviour,—freedom from blame, rather than earned by actual profitable labour, and also in being too trifling in amount and attainable by too small a number of prisoners to exercise much influence as a general and permanent moral impulse. The character and construction of the prison, prohibiting a profitable employment of prisoners, prevents this principle from being carried out to a beneficial extent. The prisoners should not feel that they receive a gratuity, but that they have earned a sum, in addition to the cost of their maintenance, which will enable them to enter upon an honest livelihood.

I am persuaded that reformation of habits and of heart must correspond and go together, and that the character of the mind and disposition can scarcely be deemed truly converted, unless the mental and bodily faculties be employed in healthy and natural exercise under ordinary inducements and motives. The sincerity of a sick-bed repentance is proverbially doubtful, and that of a prisoner in a separate cell is still more likely to be unreal; neither have the fair and natural trial of their combined energies and faculties, to prove and correspond with their feelings; and while the mind is debarred from every other impression but that of religion, an unreal appearance of reformation may be exhibited, too often to cease when all the passions and motives and faculties of mind and body are called into exercise.

It may be said, that experience of prisons teaches that vagrants, reputed thieves, and criminals guilty of petty larceny, are among the most troublesome and unmanageable classes of prisoners; but all conclusions from existing prisons are to be protested against as affording no evidence of the effects of a

systematic treatment of prisoners founded on the principles of classified prisons, of constant supervision, of judicious instruction and employment, and of calling forth the energies and good feelings of criminals by adequate motives and inducements. The treatment of criminals should correspond with the nature of the offences for which they have been condemned, and it is highly incumbent on every reformed system of penal discipline to propose the remedy of that excessive evil in existing prisons, which confounds poverty with crime, and the guilt and punishment of trivial offences with those of crimes of deepest enormity, by associating in the same prison criminals of every character subjected to the same treatment, or by giving peculiar advantages to those of longest sentence, and therefore guilty of greatest offences.

It may be said that ceasing to sentence criminals, guilty of the less flagrant offences, to short periods of imprisonment, and confining none for less than four months, will have the effect of greatly increasing the number of criminals in prison. This certainly would be the case, but not in so great a degree as may be supposed. The 13th Report on Prisons states, that 14,417 criminals were re-committed once, in 1847. Those twice re-committed amounted to 6,419. Those three times re-committed to 3,347. Those four times or oftener to 8,742. From this statement, it appears, that 32,925 prisoners were imprisoned and re-imprisoned 105,189 times, and as the whole number of committals to prison in England and Wales was 106,353, but 1,164 of the prisoners were confined only once, or were not re-committals. It follows from this calculation that the whole number of offenders sentenced to imprisonment in 1847, in England and Wales, was only 34,089, although the committals to prison of this number of persons amounted to 106,353. If then the 34,000 offenders were each imprisoned for six months, the daily number in prison would be 17,000; about the present average.

Even though the number of criminals in the prisons would

be increased considerably, the benefits resulting from the increased duration of imprisonment would be far beyond an equivalent to this supposed disadvantage.

The great mass of prisoners, who pass their time in short intervals of freedom and imprisonment, would be more advantageously confined for such a considerable period as might afford a prospect of inducing and enabling them to adopt another course of life than as at present allowed to continue coming in and going out of prison, to the great expense of the public in prosecutions, and of the police in detecting and apprehending them, as well as to the great injury of the public morals, and the property of individuals, by frequently discharging upon the community those whose only means of livelihood is theft, and who are necessarily corrupting others, and endeavouring to increase the number of their associates and accomplices, especially among the young.

The prison and county rates in England amount to £1,300,000 a-year, of which probably more than half is expended on the apprehension and prosecution of criminals in their repeated trials and imprisonments. It has been estimated that each prisoner in Scotland costs the country £80. If, therefore, the practice by some thousands of regular criminals of constantly being tried and committed for short periods and minor offences were put a stop to, a great saving of expense would be effected, and a most pernicious class of offenders be removed.

The inspectors of prisons frequently mention the great evils of short imprisonment, which, while they are expensive to the public and injurious to the criminal, are perfectly nugatory as a punishment, and as deterring from crime.

In the remarks on the imprisonment of boys will be found striking statements of the number of re-committals of young persons, and in every prison the same complaint was heard of those who made the prison their periodical home. The effect of this practice is apparent in destroying the fear of imprisonment among the young, in whose minds it is peculiarly neces-

sary that it should possess a deterring influence. The children of the labouring poor in populous towns must be greatly demoralized by association with boys constantly going in and out of prison ; their enterprising character, and profits of successful theft must render them attractive as companions to other boys, and their contempt for imprisonment would remove the only obstacle to the imitation of their crimes. I think little doubt can be entertained, of the necessity for putting an end to this evil by prolonging the sentence of imprisonment, and by making a second conviction, the ground for inflicting the punishment attached to crime of a higher degree of enormity than that for which the second prosecution has been instituted.

CHAPTER XII.

FELONS.

The number of prisoners tried in 1847, at assizes and sessions in England and Wales, was 28,139. The number in prison at the date of the returns, and which is probably about the daily average of confinement, was 8,629, or about one-half the daily average of prisoners in the goals in England and Wales. Although the number of prisoners sentenced at sessions and assizes is only half that of the prisoners sentenced by summary convictions, the greater length of their sentences of imprisonment makes the number of them confined in prison at any one time equal to that of the prisoners under summary conviction.

The treatment of felons in prisons and their subsequent destination should depend upon the character, conduct, and condition of each as reported to the "Board of Justice" authorized to distribute criminals among the several classes of prisons, to determine the discipline to which each shall be subjected, the work he shall be put to, and whether he shall be transported or retained in prison.

A fair and judicious determination of the prison and treatment of each criminal, according to his peculiar condition, is essential to a sound system of penal discipline. A desponding, scrofulous prisoner, is unfitted for separate treatment. Glass manufacturers

or porcelain makers are unfit for transportation to colonies where their trades do not exist, and where they must be a burthen to the public. Innumerable particulars in each case will determine the most appropriate treatment, and it is essential that there should be a Board of Justice to receive the information before described respecting each criminal, and to carry out in the most advantageous manner the general sentence of imprisonment for a certain period.

A sentence of a general character by the judge, and the subsequent treatment and destination of the criminal being submitted to a "Board of Justice," would be attended with the best effects, not only in the due apportioning of the most appropriate discipline, but as a strong inducement to the criminal to behave well in confinement. The definite character of the present sentences upon criminals, deprives the penal authority of a great means of influencing the prisoners to good. They know, that let them behave as they may, the result will be the same—they will be discharged or transported at the termination of their imprisonment, according to their respective sentences.

It is of importance that the minds of criminals in prison should be impressed with the conviction that amelioration of their condition is co-existent with merit,—that every improvement in their circumstances is the result of good conduct; hence their treatment and destination should be submitted to a tribunal capable of estimating and rewarding, or punishing prisoners. At present equity is too often reversed, and the greatest advantages are obtained by the most guilty and abandoned.

In the distribution of felons among the prisons appropriated to their class, great discrimination will be required. The audacious, hardened, and enterprising will require a closer confinement and stricter watch than offenders of a less violent character. The habits of the prisoners should determine the occupation at which they should be employed,—Farm labourers

should not be set to tailoring, tailors to dig, nor smiths to pick oakum or knit stockings.

The progressive improvement in food allowances and general treatment, and the regulations respecting the distribution of the best conducted in the working parties which were recommended in the prisons for other classes, should also take place in the prisons of felons, and for the same reasons.

Every arrangement which can convey the impression of strong moral condemnation, and which can manifest the deeper guilt of the felons, beyond that of the former class of culprits, should be studiously adopted. It is one of the great evils of the existing practice of indiscriminate imprisonment, where the longer duration of confinement, counterbalanced by better diet, is the only mark of treatment of felons, that the degrees of guilt and descriptions of offences are confounded. As many distinctions even in minute particulars, as is possible, should be made to exist between the treatment of felons and that of thieves, in every case to the disadvantage of the former, in order to create a greater influence against the commission of the more heinous offences.

The first quarter of the period of imprisonment should be spent under the strictest and severest treatment, with however a slight amelioration monthly to the well-behaved. At the expiration of this stage of imprisonment, the prisoner's earnings, above the cost of his maintenance, might be allowed to accumulate for him, and as the sum increased, his indulgences and liberty might be advanced.

The criterion of merit and ground of advancement, should in no case be influenced by the profession of religion or recommendation of the chaplain. Orderly and industrious conduct, cheerful demeanour, docility of deportment, ready obedience, and a general manifestation of a desire to avail himself of all the advantages, and comply with all the rules of the prison, should be the qualities meriting indulgence in a prisoner.

It is essential to separate as much as possible the civil and reli-

gious departments of prison discipline. The minister should not be regarded by the prisoner as having anything to do with his punishment, in its character, amelioration, or continuance. As long as any impression, however slight remains in the mind of a prisoner, that by his attention to religion, or through the influence of the chaplain, his condition will be in the least ameliorated, his subsequent position improved, or himself made an object of sympathy, or set above his fellows in estimation or character, the influence of religion in the prison will not be pure, and a powerful and effectual inducement will be held out to the practice of hypocrisy, the disposition to which, under all circumstances, is very prevalent among prisoners.

The minister of religion will feel that a false and hypocritical profession of devotion, is the great counterbalancing evil to its beneficent effects in those who sincerely yield to its principles, and are influenced by its spirit; and he will readily renounce any apparent influence over the prisoners not limited to the truths which he preaches. The preaching of religion is declared to be the "savour of death" to them that perish from impenitent rejection of its truths, and the preacher will feel that his ministration is as destructive to those who receive his instruction with hypocrisy, as it is beneficial to those who receive it into a "good heart," and that he is therefore called upon to oppose the intermixture of temporal motives, with the moral and spiritual attractions of religion. This is a principle of great importance, and one which should be kept in mind in all regulations respecting the duties and position of ministers of religion in prisons.

I am persuaded, that many practices in existing prisons are direct and absolute inducements to hypocrisy in the prisoners. Exhibition of their exercises on scripture subjects, with commendation in the presence of others of their moral and religious improvement,—inducing prisoners to recount their past lives and make confession of their crimes, and by a natural consequence to profess contrition, and religious principles and feelings,—re-

commendations and testimonials from chaplains, and every thing which infuses the hope of gratifying self esteem, by obtaining increased consideration from chaplain, officers, or fellow prisoners, have a tendency to produce hypocrisy, and enforce the necessity of making actual practical good conduct, the only road to all amelioration of condition, and the only ground of judging of the respective merits of prisoners.

In the numerous discourses about themselves, which I have heard from prisoners, and which they are so fond of indulging in, the invariable ground of boasting and self-gratulation was the extent of criminality from which they had been reformed, and which they always regarded as their misfortune rather than their guilt—as the effect of evil associates, example, and temptation on which they seemed to cast the blame, making a distinction between themselves and their offences. Indeed, no class of persons are more disposed than prisoners to indulge in pride and self-congratulation, and to descant on crime and the alleged dreadful vices of their fellow-prisoners. It seems, therefore, a necessary regulation in the prison discipline of felons, strictly to repress and discountenance all such narrations and professions from prisoners as may afford opportunity or inducement for falsehood and hypocrisy.

Nothing has a worse effect in the treatment of criminals, than affording them an opportunity for what they term “gammmon,” and officers who listen to the narrations of the men generally suffer a diminution of authority and influence. The proper evidence to be taken from a prisoner is fact;—the only profession should be action, and the discipline should be undeviating observance of rules, and insisting on the prescribed labour.

Religious reformation of prisoners is not the less likely to take place, or be real, because they are discouraged from professions, and have no inducement to pretend piety. Undoubtedly, the list of conversions would be much reduced; but the influence of truth, the penitence for crime, and the resolutions of reformation would suffer no decrease.

CHAPTER XIII.

MURDERERS AND OTHER CAPITAL OFFENDERS.

The number of offenders, in England and Wales, on whom sentence of death was pronounced in 1840 was 77, of whom nine were executed.

In 1841, death was the sentence of 80 offenders, of whom 10 were executed.

In 1842, 57 were sentenced, and 9 were executed.

In 1843, 97 were sentenced, and 13 were executed.

In 1844, 57 were sentenced, and 16 were executed.

In 1845, 49 were sentenced, and 12 were executed.

In 1846, 56 were sentenced, and 6 were executed.

In the five years ending, in 1831, the number of executions was 304.

In the five years, ending in 1836, the number of executions was 175.

In the five years, ending in 1841, the number of executions was 44.

In the five years, ending in 1846, the number of executions was 56.

In Ireland, in 1846, the number of criminals sentenced to death was 14.

The advantage or propriety of abolishing capital punishments

has, I believe, been frequently maintained, and the discussion of a subject, embracing so many considerations, would exceed the design of the present treatise. I shall, therefore, only observe, that all persons would gladly consent to abolish a punishment repugnant to humanity, if the supposed necessity for its continuance were obviated by an equally effective method of punishing the offender, and deterring from the awful crimes for which death is the present penalty. It must, therefore, be submitted to those who are justly anxious for the preservation of the rights of the members of the community, even by the infliction of death on criminals, whether the mode of treating those guilty of capital offences, to be hereafter described, be not one which would produce the same penal and deterring effect as the execution of offenders.

My own persuasion is, that to deprive a fellow-being of life is never justifiable save from self-preservation, in resisting an assault endangering life which can only be successfully withstood by causing death to the aggressor. If this be true, the practice of executing criminals is the result of want of care to discover and adopt the proper punishment of capital offences, for that which is not justifiable can never be necessary.

In the description of crimes for which death has been the penalty, it is remarkable how great a proportion of these have been murders of fathers, wives, husbands and children, caused by uncontrollable vengeance and hatred, extinguishing even the natural feelings or the instinct common to all animals. In many cases murder is the result of violent bursts of passion; in others it is perpetrated with determinate design to obtain the property of the murdered; and in some it is the effect of lunacy or melancholy amounting to derangement of the understanding, and leading those affected by it to murder their relatives in order to deliver them from the evils of life. It is probable that to most of the members of these classes of criminals death has little or no terror, and the same disregard shown for the lives of others is felt for their own. It is a matter of common

experience that criminals guilty of murder are generally indifferent to death, and that the concern which they show previous to execution is the result of the new impressions created by ministers of religion during their confinement.

There is in the public trial and execution of murderers, in the curiosity and deep interest of the public, and in the publication of their lives, and representation of their bodies in wax, an incentive to many to the commission of murder, and it is deserving of consideration whether such circumstances should not be repressed or prohibited, as familiarising the public mind with horrors and atrocities and suggesting the most crafty and least discoverable means of committing murder to those who are criminally disposed and strongly tempted to that heinous offence.

In Van Dieman's Land, murder was frequently committed, especially at Port Arthur, from a desire to be hanged, by unhappy wretches who yet were unwilling to commit suicide. The unconcern manifested by them was astonishing to those who do not consider how little value many persons set on life. Numbers would prefer the hazard and even probability of death to the certainty of an immediate and severe bodily suffering.

The question, however, is not between the severity and deterring effect of execution on all criminals sentenced to death, but on one-sixth of them, for that only is the proportion of the condemned who are executed. This fact shows the public repugnance to the punishment of death, which in itself is a strong reason for its abolition, for every proper punishment would be attended with the public approbation, and the whole community without reluctance would lend their aid to its enforcement and execution. The deterring effect of the punishment of death is greatly lessened by the frequent remission of sentence, for every criminal in exposing himself to condemnation for a capital offence, is encouraged by the knowledge that one only out of six of those apprehended and sentenced to execution for similar offences is eventually put to death, and that

the remaining five-sixths are placed in the same condition as criminals guilty of infinitely minor offences. It does not seem improbable that another penalty than death for capital offences might be devised, which would be sufficiently severe for the ends of justice and security of the public, and which by being certain, and never remitted, would deter even more than a punishment so seldom inflicted as that of execution.

While believing that the penalty of death is not justifiable in the case of the one-sixth of the capitally condemned, on whom it is inflicted, I am strongly persuaded that the ends of justice are violated or disregarded in the case of the other five-sixths.

It may be deemed that a man who has imbrued his hands in the blood of a fellow creature, intentionally or forcibly violated female innocence, should for ever be cut off from human society, as a necessary preservative against a repetition of his offence, and to mark the public detestation of his atrocious crime. The society of a murderer is abhorrent to natural feeling, and the influence of his company on those with whom he associates, will be considered as highly injurious, and that it is, therefore, a measure, required by regard to the public morals and safety, to seclude criminals, guilty of capital offences, from future association with members of the community.

Some persons, grounding their opinion on the principle that a completely reformed criminal should be altogether freed from punishment or any suffering as a consequence of his guilt, consider that even prisoners condemned for capital crimes, should be discharged after a long imprisonment, if satisfactory evidence of a complete reformation could be obtained. A higher condition of public moral feeling and humanity may, perhaps, discover a means of carrying out this principle; but I confess that it does not appear to me reasonable or practicable. The principle of rendering punishment coterminous with a guilty, or unreformed disposition, is as adverse to imprisonment for any definite period as to that for life; for if a man sentenced

for five years' confinement be reformed in two years, he suffers punishment during three years in which he has been reformed, and should have been at large. It may, besides, be alleged that satisfactory evidence of reformation cannot be obtained during imprisonment, and that the repetition of a similar crime against any member of the community by one who has once discovered so fatal a propensity, involves the possibility of an evil so immeasurably outweighing any advantage resulting from the discharge of a supposed reformed capital offender, as to render his return to the association of common life inexpedient.

Humanity might be satisfactorily exercised in improving the condition of such prisoners according to their conduct, and even employing those who had been long imprisoned, and shown evidence of improvement in good offices to their fellow-prisoners, tending to lead them to reformation, and the adoption of habits and feelings best adapted to their situation.

The natural feeling of the public would approve and enforce such an enactment, while minds believing in a future moral retribution and eternal existence of the soul, must always regard with great reluctance, and shrink from a punishment, which in too many cases there is every reason to fear, has consigned the criminal to an eternal as well as temporal destruction. This natural feeling is opposed, in the minds of the generality of persons, to the desire for justice on heinous crime, and is often the reason that offenders guilty of capital crimes are not brought to trial.

It is needless to observe, that the strictest and most severe penal discipline should be inflicted upon capital offenders, but their treatment will be detailed in the description of prisons, in which it is proposed that they should be confined.

The Parliamentary Report on crime shows, that the abolition of death in 1832 for offences against property, has not led to a great increase of those offences, with the exception of forgery, but the greater number of convictions for that crime is no proof of a corresponding increase of the offence itself, for many cases

previously, were not brought to justice from unwillingness to cause death to the offenders. Offences against the person, for which the penalty of death was abolished, have much increased; but so have other crimes the punishment for which has not been altered. It is not surprising that this should be the case, since when execution ceased, no adequate punishment was allotted to capital offenders, who were treated as criminals guilty of minor offences, with whom they were confounded in prisons and in penal colonies.

CHAPTER XIV.

PRISONS.

It will be admitted by all conversant with the management of criminals, that there is nothing so essentially requisite to good discipline as the judicious construction of the prisons. To errors in the locality or in the design of existing gaols, may be referred the inability to employ the prisoners profitably, and the necessity for a disproportionate number of officers and of excessive expenditure. Prisons should be constructed in conformity with the description of discipline to be carried out in them, and unless they be designed for the peculiar mode of employment and treatment to which the prisoners shall be subjected, it is impossible to expect a satisfactory result. A small defect in the plan of the building will be sufficient to render abortive the system of discipline, and in but few cases will it be possible, or has it been found practicable, to re-model or alter a prison so as to render it applicable to a new treatment of the prisoners.

The locality of prisons should be determined principally by the facility of supplying the prisoners with suitable work. This should be the great consideration in selecting the site for a prison, for without profitable work for the prisoners the public interest sustains a loss, and no sound discipline can be maintained.

Houses of Employment for destitute vagrants should be built

in localities where there is most need for gangs of labourers who can work beyond the limits of their walls. These places of detention should be erected where there are waste lands to be drained, cleared, or brought into cultivation—where canals docks are to be dug,—piers to be built,—harbours to be formed,—or roads to be made, or any other public work at which parties of men could be employed under their officers, at such a distance from their dwellings that they could return to them nightly.

The serious consideration of a humane sovereign and philanthropic government is appealed to, respecting the responsibility of allowing so many thousands of acres of land to lie waste in England and Ireland, while a crowded population is in want of food and employment. If the barbarity of an ancient monarch burnt the churches, laid waste the villages and cottages, and expelled the inhabitants of thirty miles of territory to form a forest of wild beasts, it is time that such a stain upon human nature—such a monument of despotic barbarity, were erased from the earth, and a tract of land, capable of supporting myriads of human beings, were again restored to the beneficent use for which it was designed by the Creator, and from which it cannot be withheld, except in contravention to His will.

A question may be proposed to British legislators and philanthropists, the consideration of which may lead to the discovery of important social evils and their remedies. What is the reason that while millions of acres lie uncultivated at home, thousands of Englishmen flock to the shores of Australia, New Zealand, and Van Dieman's Land, sailing half round the globe at great expense, danger, and privation, to labour in uncongenial, and often unhealthy climates at lands which cannot be cleared and fenced, save at an expense of from £7 to £30 per acre, and which will yield but half an English crop, to be sold at less than half the price of the same produce in Great Britain? It is not from dislike to England, for their attachment to their native land increases by absence; it is not to escape the burthen of taxes and rates, for the former are often heavier in

colonies than in the mother country, and their voluntary contributions equal, or exceed, the rates paid in Great Britain.

However this question may be answered, the fact incontestably claims consideration, and suggests the advantage, or even necessity, of giving up the waste lands of the United Kingdom to supply labour and food to the children of the soil, who are now compelled to seek both in distant countries. Were the destitute vagrants employed in performing the first works of draining, clearing, levelling, and turning up the soil in the waste lands, previous to their being let or occupied by farmers, I think it will be allowed, that their labour would not interfere with the free workmen, and that it would be no less profitable to the state than beneficial to the community.

The Houses of Employment are applicable not only to the destitute labourers confined in prisons, but to the many thousand vagrants who infest the workhouses, which have no means of enforcing labour or proper discipline among a class of paupers, whose disorderly conduct and interference with the good order and management of workhouses, are a constant subject of complaint to guardians and inspectors. The care of children, and of the aged and infirm, who are the legitimate objects of charitable relief, requires but few attendants, and has no need of the arrangements necessary in prisons for the coercion of prisoners, for compelling them to work, punishing disobedience, and confining them in walls and under guards which may prevent escape. These arrangements constitute the difference between a prison and a workhouse; and to confine within the latter a class of vagrants for whom strong coercive measures are necessary, is to turn it into a prison, or to allow vagrants a licence most injurious to themselves and to the workhouse. In addition to the great advantage of elevating the condition of the poor by affording to them the salutary conviction of a permanent provision of labour, and that destitution need neither amalgamate them with criminals or compel them to commit crimes, Houses of Employment for all vagrants would remove

from the poorer classes the great circulating instruments of vice and demoralization, and would effect a great diminution in the burthens on the public funds.

The prisons of thieves and those of felons should be erected where permanent and profitable work can be provided for the prisoners. The walls of their prisons, hereafter to be described, should enclose the ground in which they are to be employed. By far the most advantageous occupation for felon prisoners, would be quarrying and preparing stone or flags for public buildings, and the prison walls should enclose the quarry, or the prison be so situated that stone could be brought to it by water or otherwise with facility; chalk hills might also perhaps provide sites for profitable prisons. A prison might be erected where any public work is to be performed, the execution of which, would require a considerable period of time,—where docks are to be dug,—tunnels to be made,—fortifications to be erected, or in dockyards and similar places; but the general and most advantageous occupation for prisoners of this class, would be quarrying and squaring stones and flags for public buildings. The demand for squared stones and flags would never be exhausted, the cost of them is very considerable, and therefore the labour of the men would be profitable, and the nature of the work generally advantageous, being in the open air, in a limited space of ground, of a laborious and healthy character, and one which is sufficiently varied, that men of all conditions and degrees of strength might be employed at it, and which would render the men useful and able to support themselves in the colonies. Mines, for many reasons, are highly disadvantageous as places of employment for prisoners, and were productive of the worst effects to the convicts in Van Dieman's Land. Agricultural labour in waste lands is of too mild and agreeable a character for felon prisoners, and is much better adapted for the destitute vagrants.

Boys under sixteen, condemned as vagrants, or for larceny and the less heinous offences, should in regard to their youth,

want of education, poverty and great temptations, be apprehended by the state, for the more prominent object of instruction rather than punishment, and their places of detention should be called "Industrial Schools."

The proper locality for "Industrial Schools" would be small isolated situations, in which the boys would be precluded from running away, or from external communication, and would have land enough to be employed in agricultural labour as a principal subject of instruction, and means of providing for their own subsistence. Dalky Island, beyond King's Town, in the bay of Dublin, and similar localities, are excellently situated for Industrial Schools; the former was pointed out several years since by Archbishop Whateley, in his judicious remarks on transportation, as a good situation for a penal establishment.

It is not of much importance where the prisons for capital offenders should be erected, for as they are never to leave their boundaries, and generally to labour in their cells, their treatment is independent of the locality of their prison, which only requires to be in a remote and solitary situation suitable to its dismal character.

In each of the three chief classes of prisoners,—destitute labourers, or vagrants,—thieves, and felons, many persons will be reported to the Board of Justice, at their trials, to be tradesmen or persons accustomed to sedentary lives, or of a weak habit of body, or with some defect or infirmity unfitting them for severe laborious work. It will be therefore necessary, in order to employ such prisoners, that one or more prisons for each class be erected in which they can labour at trades.

In existing prisons, it is the office generally of the deputy-governor to find work for the prisoners, and to dispose of the articles made by them. Several different sorts of manufactured articles are disposed of as opportunity offers, generally at a low price to the great disadvantage of the free labourer and mechanic.

In order to a uniform and satisfactory system of employing

prisoners at trades, it is essential that the arrangements and direction should be placed under a Central Board, capable of adopting such general measures as should provide sufficient employment for the prisoners and the means of disposing of the articles manufactured in the prisons. Shoemaking and tailoring are the general and natural occupations of the men, needlework and knitting the employment of the women; other occupations might be devised and adopted as experience pointed out their utility. The prisoners in all the other establishments should be supplied with shoes, clothing, and bedding, from the prisons in which the criminals work at trades. The army and navy also might be supplied from the same source, and the remainder might be exported to the colonies or countries where labour is dear. A prison also might be usefully appropriated to blacksmiths, and another to carpenters, for the purpose of supplying the prisoners in the other prisons with tools and articles necessary for their work.

In the report for 1847, the places of confinement for prisoners in England and Wales are stated to be 174, and as the daily average number of prisoners was 16,167, the average number in each prison was 93. In Scotland the number of prisons is 56. The daily average of prisoners is 2,808, or 50 prisoners in each prison. There are 103 places of confinement in Ireland. The daily average of prisoners is 10,968, or 106 in each prison. The general daily average of prisoners in the 333 places of confinement in the United Kingdom is 90 prisoners in each prison. If one-half of the 333 prisons be deducted, as lock-up houses, with a daily average of less than five prisoners, the remaining 166 prisons will have a daily average of nearly 180 prisoners.

Many considerations lead to the conviction that each prison should be constructed to contain 400 prisoners and not more. This number is quite enough to engage the whole attention of the superintendent or governor and chaplain. A larger number of prisoners assembled in one place becomes unwieldy, dangerous,

difficult of management, and not easily supplied with profitable employment.

The great principles in the construction of a prison are,—1st. To provide for the security of the prisoners.—2nd. For their constant supervision.—3rd. For their constant employment when awake, and—4th. For the most economical mode of constructing the prison and of conducting the discipline labour and instruction of the prisoners.

If places of confinement, each to contain 400 prisoners, were erected in England and Wales, 40 such prisons would accommodate the 16,000 criminals daily in confinement, but as accommodation for 24,000 should be provided, 60 prisons would be required.

The destitute vagrants, of whom 3,200 are daily in prison, would require fifteen "Houses of Employment" to contain 6000 of them. The thieves and other lesser criminals, of whom there are 47,000 committals annually, would require 20 prisons of the first class. Felons, of whom the number daily under imprisonment is 8,600, would require 23 prisons of the second class. Criminals, guilty of capital offences, would require two prisons for perpetual confinement. These 60 places of imprisonment should be so distributed, that one of each of these classes of prisons should be within a convenient distance of each populous city.

An uniform design might prevail throughout the prisons of all the classes, and indeed in all workhouses and charity schools. A quadrilateral room should constitute the main building, and be so constructed as to serve for dormitory, mess-room, school-room, chapel, and work-room. It should be 150 feet long, 60 feet wide, and 14 feet high. The roof should be sloping to the centre at an angle of 45 degrees. There should be two tiers or rows of iron bedsteads, one above the other on both sides of the room, extending from the walls to the centre, the bedsteads should be 28 inches wide, so that there might be an average of 66 of them in each tier. A platform,

or table of boards, raised two feet, two inches high from the floor, and seven feet wide, should extend along the entire length of the centre of the room. Two rows of bedsteads, similar to those along the walls, should extend on either side of the platform, making six rows in all, or 400 bedsteads. The rows of bedsteads on either side of the platform should be doubled up and pushed under it in the daytime. The bedsteads should be of iron, the lower tiers made to double up by joints in the middle, and separated from each other by boards two feet, six inches high, extending three feet from the head of the bed, or by partition of iron resembling a venetian blind, to allow the passage of air, but prevent sight and communication between the adjoining beds. The men should sleep with their heads towards the middle of the room and their feet towards the walls, as well for the sake of air as of supervision; the men sleeping in the central rows of beds should have their feet towards the platform, that their faces might be turned towards the superintending officers, and away from the men in the side berths. Six assistant-superintendents should have two watches of four hours each at night, in the dormitory, so arranged that some of them may be relieved every two hours. Two or three should be always in the dormitory at once, and should walk up and down on the platform, so that they may be always nearly equidistant, and be constantly employed watching the men in their berths. A book should be kept in which each assistant-superintendent should enter a report of his watch at its termination. There should be five feet separation between the tiers of side berths; the lower tier being eighteen inches high, so that the officers promenading may have a full view of every man as he lies in his bed. The men should be distributed into working parties of from twenty to thirty, each party should sleep in adjoining berths, and trustworthy men, with considerable accumulated earnings, should be distributed through each party, and commissioned to report any irregularities which might occur during the night, and to aid the officers, if required to do so. Upright iron bars sup-

porting the beds, should have transverse rods 4 inches long, fixed into the bars at intervals of 12 inches, to enable the men in the upper tiers to ascend to their beds, which they should do decently with their trowsers on, taking them off in their berths, and putting them on again before they get up. The assistant superintendents to each party should muster their men into the dormitory, and should be ready to take them under their charge when they rise in the morning and proceed to their appointed duties.

The central beds should be doubled up and placed under the table or platform, by the men who occupy them, after they had made their beds, before they proceed to their morning duties: the dormitory will then present the appearance of a spacious apartment, well adapted for the assembling of the men. A vacant space of 46 feet (23 feet on each side of the platform or table) will afford abundant room for the men to attend divine service or school. Each man should have his own stool to be kept in an appropriate place, under, or along, the bedsteads.

The sides of the dormitory might be built of stone, or formed of upright bars of iron 14 feet high, and two feet asunder; the roof should be formed like those of the railway stations, the iron rafters resting on the upright bars, and held together by rods of iron crossing the roof. The spaces between the bars should be covered by grooved sheet iron, riveted or fastened to the bars, so that, if necessary to be removed, they could be taken asunder in separate compartments. Two rows of thick glass, two or three feet wide, as in some railway roofs, should run, one on each side of the roof, along the whole length of the dormitory, so as to afford abundant light. Any requisite ventilation may easily be obtained through the roof. Ten or twelve gas-lights, or oil-lamps, would give sufficient light for the dormitory, on both sides of which water-closets should be constructed, each capable of containing but one person, and with a lock to be opened by the officer who admits the man requiring to enter.

The sides of the dormitory being 14 feet high, and placed on

a stone foundation one foot in height, would allow the roof to be continued on either side to the distance of 12 or 14 feet, which would afford a range of rooms along both sides of the dormitory, which might be distributed, as in the plan, into twelve or fourteen rooms for officers' quarters and eight punishment cells. The back of the officers' rooms being the sides of the dormitory, inspection holes might be made from each room into the dormitory, precluding the possibility of the least irregularity taking place without being observed, and the propinquity of the officers would enable the whole of them to be summoned at a moment's warning in case of emergency. The position of the punishment cells between the quarters of the officers, precludes communication between the prisoners in confinement, and ensures constant supervision.

Along the end of the dormitory nearest the wall and entrance gate, the houses of the chaplain and superintendent should be built, each containing four rooms on the ground floor and four bed rooms on the upper floor, the latter partly entering into the roof to save the expense of high walls. There would also be sufficient room for another house adjoining that of the governor, the ground floor of which might be used for a store, the upper for an hospital, next to it might be the kitchen, and adjoining the chaplain's house might be a room in which he could see prisoners in private. A small court should separate the hospital and the houses of the governor and chaplain from the boundary wall of the prison. On the outer side of the court in front of the hospital, a wall should be built from the hospital to the boundary wall, inclosing a court for the use of the convalescent; the office and porter's lodge should be built close to the general gate in the boundary wall.

The rear wall of the governor's house being the front of the dormitory, might have a private door, and also inspection holes. Along the other end of the outside wall of the dormitory there might be a shed projecting eight or ten feet under which the men might wash themselves.

Thus all the rooms required for the officers and for the general purposes of the prison, being built around the dormitory, would form one undetached building without enclosed courts, passages, or stairs, and afford better accommodation with one-tenth of the walls, buildings, and expense than any prison now existing, and capable of containing 400 men and their officers.

In prisons on the separate system, as at Pentonville, each wing, containing three stories of 40 cells, or 120 cells in all, is 190 feet long by 50 feet broad. The walls are 35 feet high, and including those of the basement and of the 120 cells there are upwards of 60,000 square feet of walls in one wing, accommodating 120 prisoners, while the proposed prison for 400 prisoners requires but 7,000 square feet of walls. The contrast of expense will be greater, if the floors, ceilings, pipes, doors, locks, water-closets, stairs, and passages of the cells be taken into account. The chapel alone of a prison, on the separate system, would cost as much, or nearly as much as the entire accommodation required for 400 men on the proposed plan. The four opposite wings at Pentonville, containing but 480 men, cover the enormous space of 320 yards long by 50 feet broad, and contain an extent of stone walls sufficient for 12,000 prisoners, or 30 prisons, each, capable of accommodating 400 men.

The advantages of the proposed plan of a prison are—1st That it saves the necessity of five separate buildings for mess-room, dormitory, chapel, school-room, and work-room. In existing prisons, the effect of having five buildings for these purposes is, that sometimes not one, and always some, of them are wholly inadequate to the objects desired. The employment of a single building for all these purposes would manifestly save an immense expense in the erection of prisons, would greatly diminish the number of officers required for the supervision of the prisoners,—would simplify the details and arrangements of the prison,—would save the great labour of ascending and descending numerous flights of stairs and pro-

ceeding along miles of passages, and through countless doors, and would afford, for other uses, the great space of ground now covered by extensive buildings even in prisons not containing 200 prisoners.

The second advantage is, that this prison would keep the prisoners under constant supervision.

The third advantage is, that it would dispense with the necessity of shutting up prisoners, either together or separately, for ten, twelve, or more hours at night, without employment or instruction.

It will be desirable to consider these advantages fully.

The beneficial results of a general dormitory in prisons, well lighted, and with officers inside, superintending the prisoners, have been completely proved both in Great Britain and Van Dieman's Land, though tried in both countries under most imperfect arrangements.

About five years ago, in consequence of the most shocking crimes being committed in the dormitories of the probation stations in Van Dieman's Land, I was induced earnestly to urge the comptroller-general of convicts to adopt a plan of internal supervision in the sleeping-rooms during the night, but the recommendation could not be acceded to, in consequence of the expense which would be occasioned by employing additional watchmen, which the commissariat officer, it was supposed, would disallow. The men at the stations continued to be locked up at night in several rooms, prisoners employed as watchmen being supposed to perambulate through the station, and occasionally to look through holes in the doors of the sleeping-rooms. The evil continuing and increasing, I made the same suggestion to two succeeding comptrollers-general, but without the desired effect, the former objecting to the recommendation that the lives of watchmen, shut up with the prisoners in the dormitories, would not be safe.

The dreadful crimes committed in the dormitories of the probation stations, and which were fully communicated to the

parliamentary committee, would have been greatly diminished, or put an end to, by the adoption of internal supervision. At the probation station of Darlington, in Maria Island, the partitions of a number of rooms were at length removed, and a general dormitory was formed, 180 feet long, 22 feet wide, and about 12 feet high. On one side of this long, narrow room, are 282 wooden berths, in three tiers or rows, one above the other, 94 in each tier. On the opposite wall are six doors and six windows. The berths are about 2 feet wide, and 6½ feet long; the distance between the tiers is 3 feet. The berths are separated from each other by a double row of horizontal battens, or strips of wood 3 inches wide and 3 inches asunder, so placed that the battens on one side are opposite to the separation between them on the other, so as to allow ventilation, and prevent a convict in one bed from seeing into the next berth. The dormitory is sufficiently lighted at night by six lamps with double burners, enabling an officer to see distinctly through the whole length of the room.

The dormitory, visited by me unexpectedly at midnight, presented a striking appearance,—about 250 men sleeping profoundly, and the assistant-overseer silently walking up and down the middle of the room. From 8 p.m. to 5 a.m., these assistant-overseers succeed each other in the duty of perambulating the dormitory, which is visited at uncertain hours, four times nightly, by the superintendent and senior assistant-superintendent. The officers on duty enter their reports in a book. Strict silence is preserved after the men go to bed. The number of charges for talking or other offences in the dormitory is very small. The men express great satisfaction at the internal superintendence (which had been carried on for six months previous to my visit), as it prevented their being disturbed by a few noisy or disorderly persons. The arrangements were made by Mr. Lapham, the superintendent, to whose ability the successful management of the men, and prevention of the crime elsewhere practised are to be attributed.

-At the Penitentiary Barrack, in Hobart Town, which sometimes contains 1000 persons, the men were lodged in a number of rooms about sixteen feet square, in houses three or four stories high. Locked up twenty, thirty or more in a room, the most dreadful riots and crimes were constantly committed. Mr Boyd, the present superintendent, lately appointed, on his own responsibility ordered that all the doors should be kept open at night, a watchman walking up and down stairs and into each of eight rooms under his charge. When it was the practice to keep the doors locked, not less than four turnkeys were often required to force entrance into a room from which cries of murder were heard, now great order prevails and offences are seldom committed.

It is plain that in both these prisons, especially in the latter, the rooms used as dormitories are very ill-calculated for the purpose, and that the effect of internal superintendence should be so beneficial in them is an evidence of its utility in general. No attempt to riot, or to assault an officer on watch in the dormitory, had taken place at Darlington, nor, I believe, at the Hobart Town Penitentiary, nor was the least apprehension entertained by the officers of any such occurrence.

In the prisons in England and Scotland, criminals sleep either one or three in a cell, or a greater number in dormitories, generally locked up in darkness at night. In a few prisons internal superintendence in the dormitories is kept up.

At Glasgow South prison, 34 boys sleep two in a bed on the flags in a double-vaulted cell, the beds are touching each other. A warder is locked up in the room all night, and must suffer excessively from the heat, smell, and closeness of the room. In the same prison, 47 men slept in a class-room, with a warder sitting in a chair all night. The same officers continue on watch throughout the whole night. In the North prison, on the 19th of July, two prisoners slept in each of 13 cells, three in others, 67 men in 24 cells. There were 192 cells for 303 women.

In Perth County prison, 24 prisoners sleep in a class-room, which is kept locked all night, without a warder inside, four boys among the 24 prisoners. There are 29 cells for 42 males, and 17 cells for 40 females.

At Edinburgh prison, in one room, 8 prisoners were locked up all night, in another 34 prisoners work, and are locked up to sleep at night without a warder inside.

At Newcastle-on-Tyne, five prisoners sleep in each of 13 cells.

At Durham, six or eight prisoners sleep locked up without a warder in each of several rooms, 18 men sleep in one room, the beds touching each other, 15 women sleep in one room. There are 36 new sleeping cells, each 7 feet long by 4 feet 4 inches wide, and 8 feet high in centre, on both sides of a narrow passage. One prisoner sleeps in each. The cells are dark and confined, not having above 220 cubic inches of air in each.

At York gaol, four untried prisoners sleep in a cell. The women sleep two in a cell.

At Wakefield, in the old prison, containing about 800 prisoners, there are about 20 rooms, in some of which there are 30 beds; an officer sits up in each room all night; no officer has ever been molested. A number of smaller rooms, on both sides of a passage, contain several prisoners in each; a watchman walks through the passage at night. A great number of officers are here employed, doing imperfectly that which a few could perform efficiently, in a well-constructed general dormitory.

At Hull, several cells have three prisoners sleeping in each.

At Liverpool, 60 prisoners out of 791 sleep separate, all the rest sleep three in a cell or in dormitories, 12 of which are 23 feet long by 20 feet broad, and have 16 prisoners sleeping in each without internal superintendence, or light, save in winter.

There were 77 boys and 30 girls in this prison (Aug. 10. 1849).

At Kirkdale, and also at Chester, three or more prisoners sleep in each of several cells. At Chester, the cells are locked

at 7 p.m. and opened at 6 a.m. Sometimes the same three prisoners sleep in one cell together for months, locked up in darkness 11 hours out of each 24.

At Warwick county gaol, from three to six prisoners sleep in each cell, locked up at half-past seven and let out at six in the morning : there is no light in the cells, and sometimes riots take place. Charges of dreadful crime committed in cells have lately been made.

At Warwick House of Correction, containing 238 males and 45 women, four sleep in each cell, locked up without light.

At Winchester, three prisoners sleep in each of several cells. Four boys and two men have slept in the same two cells for the last five weeks (Aug. 17, 1849.)

At Portsmouth, three men sleep in each cell.

At Southampton, five prisoners sleep in one small room, three in another, and three in most of the cells ; in one of them is one boy with two men. Eleven women sleep in two rooms.

At Portland, the prisoners sleep in four halls, in each of which are 173 men, who sleep in four rows of cells, each 5 feet wide by $6\frac{1}{2}$ feet high, and the same long. Each prisoner has a candle and candlestick in his cell to read by. The halls are 100 feet long by 40 broad : in each hall there are eight water-closets and 22 gas-lights : a warder perambulates at night in each hall for two hours and a half, when he is relieved by another officer. The disadvantages of this arrangement in comparison with the dormitory above recommended are,—1st. The expense of the sleeping cells. 2nd. The loss of room. 3rd. The impossibility of constant supervision ; the men being shut up in their little cells, out of sight of the officer on watch, those in the upper tiers of cells, especially being beyond observation. 4th. The necessity of having other halls for various purposes. 5th. The inability to accommodate all the prisoners assembled together for instruction or any other object. 6th. The alternative of keeping the men shut up in darkness, or incurring the trouble and danger of supplying them with candles in their cells.

At Millbank, 180 prisoners are accommodated at night in a

general ward. There are 30 boarded stalls, or partitions, round the walls of the general ward; each stall holds six men, and is 8 feet long by 6 feet broad. The men sleep in hammocks, which are slung in the partitions along the wall in two tiers, three hammocks in each tier, so that the inner one lies along the wall, the central one between it and the outer, which presents its side to the observer. The hammocks are almost touching, so that the three men sleep almost in contact. The officer on watch must look over the outer men in their hammocks in order to see the inmost man. The distance between the upper and lower tier of hammocks is only $2\frac{1}{2}$ feet, so that the men in the lower, when sitting, touch the upper hammocks with their heads. Three warders walk about all night. The general ward is used as dormitory, chapel, work-room, dining room, and school-room. The men work at tailoring. It is provided with two water-closets, and about forty gas-lights. The offences committed by the prisoners in this ward are not numerous; they work more cheerfully, are more healthy, and the general effect of the discipline is better, and the objects of imprisonment are more advantageously effected than in the separate cells, in which, generally speaking, the men are subject to depression. It was stated that these opinions formed the general impression of the officers.

At Coldbath Fields' prison there are about 20 rooms, with from 11 to 36 men sleeping in each; a sub-warder is locked up with the men at night in each room, and remains the whole night sitting in a chair, being supposed to remain awake watching the men: he is let out at half-past six in the morning with the prisoners. Some of these sleeping-rooms are very small and close; a sub warder was lately removed very ill. If an officer on duty at night sleep, he is fined. Some of the men in these rooms sleep in iron bedsteads, some on the floor. The officers on watch do no other duty, so that above twenty officers are wholly employed in keeping watch in these dormitories. One room, 30 feet long, 8 feet broad, and 12 feet high, has 18 men

sleeping in it, with a warder; that is but 2,880 cubic feet of air, not the allowance of three men. In another room, 20 feet square, 38 men sleep on iron bedsteads within six inches of each other. It is a disadvantageous result of the construction of the prison that above 20 sub-warders should have as their entire duty the supervision of 11 or 12 men each in their dormitories. The 20 officers thus employed, under a good system, would be almost sufficient for the management of the whole prison, in place of the 147 officers now employed. At Darlington probation station, exclusive of the surgeon and the Protestant and Roman Catholic ministers, there are but 12 officers to 400 men, who, in addition to prison duties, cultivate 326 acres of land.

At Westminster House of Correction, 57 prisoners sleep in one dormitory, an officer being always with them, locked up at 6 p.m., and let out at 6 a.m. 275 men are employed in picking oakum for seven hours a day in a work-room about 65 feet long by 32 feet broad. There are several other dormitories with from 15 to 63 beds in each, the beds are placed in three tiers along the walls, an officer sits in the centre till ten o'clock when he is relieved by another who remains till six in the morning, the latter does no other duty than his night watch. The same arrangements exist respecting the dormitories of the women. No assault or violence towards the officers on watch has ever taken place, nor is any apprehended. The observations made on the Cold Bath Field's Prison respecting the expense and waste of labour resulting from ill-constructed dormitories, are applicable here also, and the good results of internal superintendence under so imperfect arrangements are strongly corroborative of the advantages which it would produce in a well-constructed dormitory.

At Newgate and the Compter, or City House of Correction, the accommodation and arrangements for the sleeping of the prisoners are very distressing to observe, and must be productive of the most dreadful consequences. The men sleep on mats

and rugs, on two tiers of wooden bedsteads, on one side of a number of rooms, six or nine men in each room. The men are locked up at sunset, and let out at six o'clock in summer and seven in winter. There are no lights in the rooms, nor internal superintendence. It is only from painful experience, that a conception can be formed of the shocking effects which must result from keeping locked up in darkness for so many hours a number of men of abandoned and profligate habits. Four prisoners sleep (Aug. 30, 1849) in each of four cells, and three in each of thirteen cells. The cells are six feet by eight feet; the same men sometimes sleep for a month in the same cell.

At the hulks, 450 men sleep in one ship, the "Warrior," in wooden stalls or wards, about 12 feet long by 10 feet wide: eight or ten men take their meals, and sleep in each ward in hammocks, slung as at Millbank, in a line with the sides of the ship, so that the officer on watch has to look over the outer hammocks to see the men in the inner ones. The hammocks almost touch each other. The wards are on both sides of the ship, and an officer at night keeps watch in the central passage. *I am compelled to state, that no impression not amounting to actual knowledge, can be stronger than my conviction, that the most shocking crimes are the necessary result of such a mode of confining prisoners at night. No testimonies from chaplains, surgeons, or officers, would effect this conviction, and I, therefore, implore the government to separate the beds in the dormitories, if not to put an end to the entire system of imprisonment in hulks.*

It is not easy to conceive the object for which prisoners are shut up in ships, when there is abundance of rooms to build prisons on shore in the vicinity of their work. If the time, and danger also, of taking the men backwards and forwards from the docks to the hulks, sometimes in boats, and the expense of keeping the ships in repair were taken into consideration the system would be found as objectionable in an economical point of view as it is pernicious in its moral influence. If a mode of treatment of prisoners in which the utmost

obstacles should be opposed to their supervision and instruction, and the greatest facilities afforded to their mutual demoralization, no more probable means of effecting these objects could have been devised, than that of confining them in hulks. I have had several reasons for believing, when in Van Dieman's Land, that previous to their arrival in that colony, the men were habituated to the practice of the crime which was so prevalent in the Probation stations. When Mr. Pitcairn and myself, by letters to the Secretary of State, disclosed the dreadful condition of the Probation stations, Reports from religious instructors, surgeons, superintendents, and magistrates were forwarded to England, denying the existence or prevalence of crime among the men. The character of Mr. Pitcairn, who possesses the respect and esteem of the community, was depreciated: his indignation at the continuance of a system of iniquity abhorrent to nature, was termed fanaticism, and the man who merits the gratitude of the lovers of virtue, for having compelled public attention to what a Colonial Governor afterwards admitted to be "a stain upon the nation and humanity," is designated a fanatic by a colonial authority in the records of Parliament. But the physical effects of vice, the maladies attached by the Almighty to dreadful crime, could not be concealed, and at length the whole iniquity of the system was revealed and confessed.

Nothing could be more vague and uncertain than the denials and reasons for disbelieving the existence of the evil complained of. Several inspectors stated, that the crime could not be practised because there were watchmen (prisoners) in each room; others declared that it could not be common, or they would more frequently have heard of it, as they lived in the neighbourhood. As if men commit crimes, for which they may be punished with death, openly and without disguise, that its commission may be known to those who live next door!! The denial of the crime being common, was accepted as a satisfactory contradiction to the statement of its existence, so easy is it for men to disbelieve

what they are unwilling to credit. What officer ever yet was disposed impartially to admit the truth of charges fatal to his credit, and destructive to his office or employment?

The passions of men are everywhere the same, and temptations to vice will always produce the same result; it is absurd to hope for good where all the tendencies are to evil. It is contrary to nature to expect parity in circumstances of pollution, and the only safe guide in the treatment of criminals, is to distrust reports, to counteract the influence of natural passions and temptations, and to oppose pollution by constant and complete supervision.

"A prisoner," says Captain O'Brien, "should never have reason to imagine that he is unobserved, or that he can break or evade any prison rule with impunity."

Prisoners under the same treatment, and in the same circumstances, will act in the same way, and the evils committed in the dormitories of Probation stations, will be practised in the prisons of Great Britain, under the same temptations and inducements. I am compelled to declare, that with the exception of the coal mines, there was no convict station in Van Dieman's Land more tending to crime and pollution, than many of the prisons in England, the dormitories of some of which are above described.

In mentioning to governors or officers the defective arrangements of other prisons in respect to the night accommodation of the men, they were ready always to declare that crime and pollution must infallibly result in such prisons, but not seldom were inobservant of evils in their own establishments.

The number of men sent to Van Dieman's Land for commission of the crime so prevalent at the stations was far greater than could be supposed. In the five years, ending in 1831, there were 69 persons committed for that crime in England and Wales. In the five years ending in 1846, the number committed had increased to 292. When it is considered how seldom such a crime is detected,—in how few cases the detection

amounts to more than suspicion, or is sufficient to warrant prosecution, and the general repugnance to be associated in the detection or prosecution of so odious a crime, the number of committals for this offence will be found sufficiently great to justify alarming apprehensions of its increase and prevalence, and to render necessary the adoption of such a system of constant supervision as may prohibit it in prisons, which for many reasons are liable to be the scenes of its commission.

Were the question proposed to men conversant with prisoners, whether they would consider it a greater cruelty to shut from three to eight men to sleep together in a cell for one or more months, or, as in former times, to chain each one of them to his bed, so that he could scarcely sit upright, I have no doubt the former practice would be declared more pernicious and cruel. I have been induced to make these observations on a very painful subject from a sense of its great importance, and in the hope of increasing the inducements to adopt a general and uniform system of penal discipline, which by complete supervision would render solitary crimes impossible, and put an end to the confinement of more than one prisoner together at night in the same cell.

If the state of the dormitories in Great Britain warrant the foregoing observations, those in Ireland far more urgently require the adoption of a new system. To mention a few of them, at Newgate Convict Depot, Dublin, in each of 36 cells, 11 feet long, 8 feet broad, and 10 feet high, four prisoners are confined at night. At Smithfield, there were three prisoners in each cell. At Kilmainham, 57 untried prisoners were confined in 13 cells, 71 women sleep in 28 cells.

At Wexford three prisoners sleep in each of 72 cells, 15 feet long by eight feet broad, and 10 feet high. 96 women occupy 18 cells and seven rooms. At Waterford, three men sleep in each of the cells, which are small, eight or more men sleep in small rooms. At Cork City prison, three prisoners sleep in each cell. At Cork County prison, five or six men sleep in

each cell on the floor contiguously. There were 103 boys in this prison, and but 78 cells for 460 prisoners. A murderer was detained in this prison for the last seven months, not yet tried (July 5th 1849); there was not the least avoidance of him. It is not surprising that so many as 253 prisoners had died since January 1st, 1849, in this prison. At the County Clare gaol, four prisoners sleep in a cell, and 45 men in a very small room. In none of the foregoing prisons is there any internal superintendence in the dormitories, and in very few of the prisons in Ireland are there lights in the rooms or cells, or any means of warming them in winter.

At Spike Island Convict Depot, 430 men sleep in two rooms in three rows of hammocks touching each other. The men are shut up at 5 p.m. and left in the dormitories to go to bed. There are lights in the rooms and inspection holes. Officers keep watch outside at night in the passages. It may be observed, that these are exactly the arrangements at the Probation Stations in Van Dieman's Land, in which such dreadful crimes were committed. Inspection through holes in the doors is no security against crime, nor certain means even of detecting it. The prisoners easily discover and communicate to each other the approach of the officer to the door, or the lights are rendered dim, or the men get into parts of the room not subject to observation, and crimes may be committed in a crowded dormitory without being noticed by the officer even while looking through the inspection-hole. This sort of inspection does not pretend to oppose any obstacle to improper conversation among the men, a thing the most desirable to effect and which can only be done by internal superintendence. The extent of demoralization and degree of pollution which takes place in the crowded dormitories of prisons, cannot be justly estimated. The effect of hearing and seeing shocking iniquities night after night is inconceivably destructive to all sense of morality, and it is hopeless to expect that any prisoner will disclose the evils which he witnesses, for a hundred others would contradict him

on oath, and his life would be either destroyed or rendered a burthen to him by the other prisoners. The most criminal invariably obtain dominion over the less evil disposed, and never cease till they have intimidated them into their own evil practices; the only effectual means, therefore, of preventing this great evil is by a constant superintendence, which would allow the hardened profligates no opportunity of corrupting the other prisoners.

The foregoing statements, it is supposed, will show that general dormitories with internal supervision, in prisons, are practicable and no less necessary than safe, and as in the cases of Westminster, Millbank, and Cold Bath Fields, that under imperfect arrangements such general dormitories have been adopted from experience of the evils of other arrangements, and have been attended with satisfactory results.

The general dormitory at Millbank is an example of the employment of a single room for the purposes for which five distinct buildings are constructed in other prisons. It is plain that the vacant space of 154 feet in length by 47 feet in breadth, when the lower tier of beds are doubled up, would afford better accommodation for men to attend school or divine service, to take their meals, or to work in, than any rooms now applied to these purposes in existing prisons.

In regard to the first,—the accommodation for schools, I believe, the very imperfect arrangements in existing prisons are not fully known, and as it is a subject of the greatest importance in prison discipline, I shall state the provision for instruction in some of the chief prisons in Great Britain.

In the prisons on the separate system, the instruction is given by teachers to the prisoners, individually, in their cells. It is plain that in this way a teacher can only give instruction one hour a-day to ten prisoners, so that 40 schoolmasters would be required to give an hour's daily instruction to 400 prisoners. Under this system, also, reading to the prisoners, or addressing them on instructive and interesting subjects, is not practicable,

nor is it possible to employ the men in mutual instruction under superintendence,—a practice equally beneficial to the teacher and learner.

There are six schoolmasters at the Perth General Penitentiary with from 400 to 500 prisoners, but this number can give one hour's instruction to each prisoner, only once in seven or eight days, supposing them to teach ten hours a-day. At Edinburgh, there is but one teacher to above 600 prisoners, and, I believe, no regular school-room. At York, the prisoners who go to school, attend only one hour and a half in each week. At Beverley, of about 90 prisoners, 27 attend school, nine at once, from one to two hours at a time. At Hull, there is no school. At Manchester with 649 prisoners, the school-room holds but 30 men. At Liverpool with 791 prisoners, the school-room holds but 15 men. At Kirkdale, the school holds but 40 men. At Dorchester, the school-room holds only eight prisoners out of 124.

At Millbank, the teachers instruct the men in the corridors, except in the general ward. At Cold Bath Fields with 1,069 prisoners, the school-room holds about 25 men; about 100 prisoners attend school for one hour daily. At the Surrey County gaol with 220 prisoners, the school-room holds about 35 men; 34 attended school 28th August, 1849; an assistant turnkey acts as school-mistress; 14 women were at school; the indecent conversation of the women in the yards was heard in the school. At Queen's Bench prison there is no school. At Westminster House of Correction with 709 prisoners, 63 adults is the whole number attending school. The boys' school-room holds about 25 boys, about a 100 of whom attend for one hour, or one hour and a half daily. At the City House of Correction, about 12 prisoners go to school; the attendance is voluntary. With the exception of Parkhurst and Portland, few of the prisons which I have visited, possessed the means of teaching the prisoners in an effective

manner. The best only professed to teach those of long sentence for an hour, or an hour and a half in the day.

I have seen 200 boys in a large room of an Irish poor-house with but a single teacher making a progress in learning far beyond any which I witnessed in prisons, and I am persuaded that the best means of instructing prisoners is by assembling them after their daily work is done in a spacious room, and exciting their interest and diligence by emulation and reward. Each prison should have an able instructor capable of addressing the men in a manner to excite their interest, and a minister of religion who has engaged their affections, and who should always be present at the school for two hours in the evening in summer, and three hours in winter.

The lessons should be varied by singing, by short lectures on natural history or biography; and the committal to memory of hymns and verses should be a principal part of the study of the men. The minister will find among the criminals efficient and suitable monitors willing to aid in the instruction of the men. The reformation of criminals is to be effected in a great degree by infusing new ideas into their minds, giving their understandings new and healthy employment, and as far as possible separating them from their old thoughts and sentiments. This may be effected during the hours which in existing prisons are wasted in sloth and idleness, or in vice the most morally and physically destructive.

Mr. Perry, inspector of the south western district, observes, "Persons unacquainted with prison discipline will not at first perceive the serious amount of this deficiency—(of light in the cells)—but I would beg to call the attention of magistrates acquainted with the management and with the rules of prisons, to the baneful effect upon the minds of prisoners, which must result from condemning them for 16 hours at some times of the year to slothful inactivity, and for at least eight months of the year to a period of darkness much longer than is required for sleep. How can it be expected that men who, for months at a

time have been driven to seek refuge from the tedium of darkness, by indulging in sleep for fourteen or sixteen hours of the twenty-four, shall on their liberation readily shake off their slothful habits, and resume the early rising to which they were most of them previously accustomed? In addition to this argument it would, I fear, not be difficult to adduce evidence of other evils more directly and not less certainly springing from the practice of obliging men to pass in bed so many hours more than are required for the refreshment of their minds and bodies."

This observation is of the deepest importance, and inattention to the evils alluded to in the latter part of the quotation is sufficient to render any system of prison treatment abortive.

In the official reports on the prisons in America, many cases of insanity and idiocy are stated to be occasioned by a common vice practised in solitude by the prisoners. Where such a calamity has resulted, this vice must have been a habit or constant practice, and it is a conclusion of common sense and experience, that the indication of a vice, which is discoverable only in cases where it is excessive and habitual, is a proof of its general existence in a less degree among those similarly circumstanced with the sufferers. It is not easy to determine how far the lassitude, pallor, dejection, relaxation, depression, imbecility, and insanity of criminals in separate confinement are to be attributed to this vice; but sound policy, common sense, and humanity would reject a mode of treatment which is so calculated to encourage this evil habit, and which affords so great facilities for its being practised without a possibility of being discovered. It should never be forgotten that criminal prisoners are generally men destitute of shame, and accustomed to the open indulgence of their sensual passions in excess, and far from leaving them in solitude and sloth to the commission of vice to which their former habits render them prone, a judicious prison discipline would be designed to keep their bodies employed, and their minds constantly interested and engaged

during their hours of work, and by unceasing supervision never to allow them the opportunity of indulging any vicious propensity.

It is plain that only in a dormitory such as that recommended above, is an effectual bar interposed to this common and pernicious vice of prisoners.

The other evil complained of by Mr. Perry, of the great length of time spent by prisoners in sloth or darkness, has been obviated in some prisons by having a gas-light in each cell, or as at Portland, by giving each prisoner a candle into his berth, to be extinguished at 8 o'clock; but these expedients are plainly abortive. What compulsion, or inducement, is there for the criminal to exert himself in his solitude even while light is afforded him? He is far more likely in his dreary cell to doze away the hours in listlessness than to employ his mind or body actively. The furnishing each criminal with a candle when he retires to his cell seems no less troublesome and expensive than inconsistent with his position, as conveying an idea of attendance and attention at variance with the condition of an imprisoned criminal; and it is of importance that every arrangement in prison discipline should be consistent and uniform, not in one particular conveying the impression of severity and punishment, in another of indulgence, ease, luxury, or unnecessary attendance.

It is never advisable that prisoners should be allowed more than eight hours sleep; and as in winter they cannot well rise before six, they would have that time for sleep if their going to bed were delayed till ten. The great advantage of having a general dormitory in which they could be usefully employed in the four or five hours which intervene in winter between darkness and bed-time, is manifest, and this circumstance alone, I am persuaded, gives an incomparable superiority to a general dormitory over every other arrangement.

At the Probation stations, the only hours for school and instruction are from half-past six in the evening, till eight or half-past

eight; and where the religious instructor was efficient, the men attended school cheerfully. Schoolmasters were not attached to the stations generally, so that the religious instructor had only the assistance of some of the convicts in giving instruction to the men; but under all disadvantages the schools were perhaps the most satisfactory objects in the Probation stations, notwithstanding an injudicious regulation which made attendance voluntary, and which held out an inducement to absence by directing that those men who did not choose to attend should be shut up in the dormitories, where they spent the time in idleness, vice, and profligate conversation.

A philanthropic and judicious chaplain will esteem the three or four hours of evening school as the most favorable opportunity of conveying good impressions to the men, and the superintendent and officers will cheerfully co-operate with an instruction which does not interfere with the hours of work, and which, to use a common prison phrase, "keeps the men out of mischief." The prisoners themselves will soon feel a great interest in the school, and look forward to it throughout the day as the period of recreation and amusement. What a benefit, then, would it be to the chaplain as well as to the prisoners, to assemble the men for school in a spacious apartment, instead of the crowded, suffocating, and offensive rooms in which schools in prisons are generally held.

In the prisons at Edinburgh and Glasgow, there are no chapels or proper rooms for divine service; in the former, the want of a chapel renders it necessary to have five religious services on Sunday to afford each prisoner an opportunity of hearing one. The doors of the cells are either partially opened, or the traps in them let down to give the prisoner a possibility of hearing the minister, who standing at the end of the corridor, addresses the men without seeing them. The prisoners in the cells may lie on their beds, or apply their ears to the aperture of the doors, as they feel disposed; but it is to be feared that few will make the effort requisite for attention, and it is plain that the

impressiveness of the address must be lost, or greatly lessened, by such a mode of delivering it.

In most of the English prisons, the chapels are just large enough to admit the prisoners compressed into the smallest possible space. The inconveniences of such an arrangement, and its obstruction to attention and devotion, are apparent. In the dormitory above described, a clear space of 150 feet by 47 feet, exclusive of the space covered by the table or platform and the beds, would be free for the use of the men, allowing above 17 square feet for one person. This would be ample room for the men to sit separate from each other, and to be disposed in distinct parties, or in any other manner best adapted for hearing the minister, and being observed by the officers seated on the platform.

It must strike every one, that so simple and complete an arrangement as that of having the general hall, or dormitory, large enough for all the purposes for which the prisoners are assembled, is at once the most rational, economical, and satisfactory plan which can be devised, and the improvement will be found more apparent and convincing, if it be considered that the chapels, in existing prisons, small and confined as they are, were erected at an expense nearly, or altogether, as great as that of the proposed general hall, the employment of which as a chapel is but one of its many uses.

The advantage of having divine service in a general hall, rather than in one of the newly-erected, most expensive, and supposed to be improved chapels of prisons on the separate system, will be shown in the following extracts:—

Mr. Hill states, "The plan lately adopted of dividing prison chapels in such a way as to confine each prisoner in a separate box, besides destroying the social character of the worship, and making it difficult for the prisoners to hear what is said, actually affords additional facilities for communication, and tends to the use of obscene writing, and to the commission of other offences "

The Rev. Robert Reynolds, chaplain in the convict department at Wakefield prison, says :—

“ The new chapel has now been in daily use five months, and we have, therefore, had full opportunity of judging of its mode of construction, and of comparing it with the arrangements acted upon before the new chapel was finished, namely, for the prisoners to be assembled for divine worship without any attempt at individual separation. I am of opinion that the plan of the new chapel is very objectionable. I object to it, in the first place, because I think it is calculated to produce disagreeable associations in the minds of the prisoners regarding a place of public worship. I object to it in the second place, because I believe it to produce a chilling feeling of isolation opposed to the proper social character of public worship. I object to it in the third place, because instead of preventing communication between different prisoners, it affords increased facilities for communication. In the fourth, because it affords an opportunity to the ill-disposed to employ their time in chapel in writing on the wood-work of the stalls instead of attending to the service, and opportunities also of disturbing the worship of the other prisoners, by making noises which it is very difficult to trace to any particular prisoner. These evils we have found to exist in fact, notwithstanding a great number of officers are employed in watching the prisoners in chapel, itself an injurious arrangement; but in fact no number of officers in a chapel thus constructed can prevent communication from going on among the prisoners. Again, we find that owing to the great space which the prisoners occupy in this chapel, our voices are not clearly heard by the prisoners in the back part, notwithstanding we raise them in such a way as to render the delivery fatiguing, and to prevent that modulation of tone which is essential for giving full effect to the discourse. I find by my after conversations with the prisoners, that my sermons are not understood and felt by them to nearly the same extent as when I delivered them in the central hall previously to the opening of the new

chapel. *In truth, all the pleasure I had in performing public service was in that hall, and I believe that most of the good that has been wrought in the minds and hearts of the prisoners by means of public worship was effected there, and comparatively little in the new chapel.* There I could distinctly see every prisoner, and be readily heard by him! and there I could address them in that affectionate, yet solemn, manner, so necessary for acting on their feelings, but which is impossible under present circumstances. I would add, that although the central hall was not erected with a view to its being used for public worship, and that a better form of building for public worship might easily be devised, 200 prisoners assembled daily in it for worship for eight months, with not more than half the number of officers to superintend them as are required for the same number of prisoners in the new chapel: and that, nevertheless, such was the excellence of the order observed, that during the whole of that time there was only one single report for misconduct."

The Rev. William Alderson, chaplain in the county department:—

"I have heard the evidence read over which has been given by Mr. Reynolds regarding the new chapel, and I, agree with him in almost every particular. I may add, that another objection to the separate stalls is, that the prisoners cannot kneel in them."

Mr. Shepherd, governor of the prison:—

"I have heard the evidence given by Mr. Reynolds and Mr. Alderson, respecting the evils arising from the plan of construction adopted in the new chapel, and I entirely concur in all that these gentlemen have stated."

Mr. Milner, the medical attendant of the convict department, stated as follows:—

"I have frequently been called to attend prisoners who have been brought out of chapel in consequence of their having been taken ill there. In all these cases I have found that the attack had evidently been caused by the prisoners breathing an atmos-

phere loaded with carbonic acid. This has not been attributable, as I have found by examination, to any neglect regarding the fires used in the ventilation of the prison, but to the impossibility of changing the air with sufficient rapidity in the close boxes in which the prisoners are at present placed in chapel, especially considering that in order that every prisoner may attend service twice on Sunday, it is necessary on that day to have four different services. I observe that the attacks are most frequent in the latter part of the day, when the air is likely to be the worst."

In his report on the prison at Liverpool, Mr. Hill says,—

"The new chapel, also, which is divided into separate stalls, has been brought into use. I was not surprised to learn that it is found that the wooden divisions do not prevent communication among the prisoners; indeed, it has been shown in the report on the prison at Wakefield, that these divisions serve as so many screens for concealing communication."

In some prisons, the stalls in the chapels have been taken down; thus this revolting practice of converting a place of worship into a collection of dens or cells, like most other unnatural arrangements of the separate system, has proved abortive, and productive of the evils it was designed to counteract.

The employment of the General Hall as a work-room in prisons in which the men are employed at in-door work is advantageous, for the same reasons which render its use advisable for other purposes. In existing prisons, 100 or 200 men may be seen crowded together, in work-rooms, as closely as they can sit. In one of the largest work-rooms in England, at Cold Bath Fields, 350 men were employed under several officers; the room was about 100 feet long by 36 feet broad, allowing 10 square feet to each man; in the proposed hall, a larger space would be available for work than in any existing prison, and the men might be employed in separate parties, each divided from the rest.

The means for supervision of the prisoners in the proposed plan, are greater than in any other. A perfect inspection of every man is open to the officers on watch. Fourteen officers' quarters have inspection windows into the hall, and the governor has an inspection window, and also a door through which he can enter it from his own house, unexpectedly, at any moment.

The most perfect safety and security are obtained by means of this general supervision and propinquity of the officers. The entire hall is commanded by the inspection windows in the officers' quarters, and the prisoners must be convinced that any outbreak, or revolt, would be attended with immediate repression and destruction to those who did not at once submit. If the most perfect security has prevailed in the dormitories, with internal supervision, in Van Dieman's Land and in England, without any similar means of inspection, or repression of disturbance, there can be no doubt of preserving tranquillity in the proposed prison, where the means of securing it are so much greater. The double doors of iron should be locked when the men and officers on watch are shut up at night, and the prisoners can never entertain the remotest hope of effecting an escape, when the smallest signal from the watch would bring the assistance of armed officers. In prisons for felons, it would be advisable to have a small guard of soldiers, or police, stationed outside the walls, or that the guard-house, or depot, for a party of police, might be stationed near the prison, for the purpose of increasing the intimidation of the prisoners, and convincing them of the hopelessness of effecting their escape by violence. 34 prisoners escaped from the prisons of England in 1847; a considerable number, and such as could never occur under the proposed system of prisons, except through great neglect or mismanagement.

A revolt never takes place among prisoners except on a sudden impulse of general indignation; when concerted it is always revealed, many entering into the plot, or sometimes even originating it with the intention of obtaining favour or reward by

its discovery. Escape is always effected by a small number who have separated themselves from the other prisoners. There is far greater danger of a general outbreak in the existing prisons, when the men are assembled at work or at chapel than in the proposed dormitory, where the men are strongly confined and subject to supervision or even destruction from the surrounding quarters of the officers, should their conduct require the exercise of force, and where no opportunity exists for communication between the parties of men.

The general course of treatment in the proposed prisons might be of the following description,—At 6 o'clock, in winter, and 5, in summer, the bell should be rung for the men to rise; one quarter of an hour might be allowed for dressing, making up their bedding, and for doubling up the lower bedsteads along the walls, and for doubling up and placing the other lower bedsteads under the table. When this is done, the 20 overseers should each muster his party of 20 men, and take them 80 at a time to wash themselves. At a quarter to 7, the men might all be back and seated in the hall when the bell should toll for prayers, and the chaplain, superintendent, and officers be present. The service should not exceed 20 minutes. After service the men should take their breakfast, for which half an hour might be allowed. The superintendent should then muster the men in the hall, hear complaints of misconduct during the night, and give directions to the overseers respecting the employment of the men during the day. At 8 o'clock, in winter, and 7, in summer, the men should be ready to proceed to their work, each party under its respective overseers. They should return to dinner at 12, and proceed again to work at 1, and return to supper at 4 or 5, in winter, and 6, in summer; half an hour might be allowed for washing, shaving, &c., and half an hour for supper, after which, at 7 o'clock, the chaplain, instructor, and superintendent should be present, and the two first engage in teaching the men till 10 o'clock in winter, and till 9, in summer. The superintendent should never interfere

with the management of the chaplain in the school, but should lend his influence to increase the diligence and attention of the men, and to promote a good spirit among them, by evincing an interest in their improvement and progress. Punishment should be rarely or never had recourse to in the school. After instruction a hymn should be sung, and prayer offered up by the chaplain; after which, the men might retire to bed, and the night-watch enter on their charge.

This arrangement would occupy the men nearly in the same manner as if at their daily labour out of prison; their habits would not be deranged, and 8 hours in winter, and 10 hours in summer, would be passed in actual labour.

It may be objected that the erection of 30 or 40 new prisons would occasion a great expense, and that the prisons now existing have cost an immense sum, which would be wholly thrown away if they were disused. To this it may be replied,—1st. That the advantages of the proposed prisons are so manifold and important, and the necessity for a uniform system of discipline so great, as to render the expense advisable.—2nd. The continual alteration of the old prisons, and the immense cost of those on the separate system annually erected would equal the expense of building the proposed prisons.—3rd. Several of the existing prisons could be re-modelled on the proposed plan. Those in which the prisoners are to work at trades, and which are independent of locality, and houses of detention for the untried, might be constructed by alteration of existing prisons. 4th. The prisons now existing on the separate system, would form excellent schools for advanced pupils, if an adequate system of public instruction and cultivation of intellect were adopted, and a complete education were afforded, with residence and board at a cheap rate, to the most deserving of the children, who had attended the ordinary public schools. The old prisons, in the centre of towns, could be removed with great public advantage, their sites being thrown open, flagged, and surrounded with public baths, reading-rooms, and museums for

the recreation and improvement of the people.—5th. The crowded condition of the prisons in Ireland exceeds belief, and the resources of that country are quite incompetent to the expense of erecting prisons on the separate system; the alternative, therefore, is presented of a continuance of the present demoralization, or of erecting the economical prisons on the plan proposed, affording a speedy prospect of greatly diminishing, or terminating, the annual expenditure in maintaining criminals.

If the prisons of the United Kingdom were placed under a Central Board of Justice, and three-fourths of the sum now expended by the several towns and counties for the criminals in their respective prisons, were paid to a general fund, the expense of erecting prisons and maintaining prisoners would be defrayed in a few years, and the annual cost diminished year by year.

CHAPTER XV.

PRISON OFFICERS SHOULD BE FORMED INTO A CORPS.

One essential defect in the present constitution of prison officers is their disconnected condition. They belong to no department, are members of no profession, and are without any general bond of union among themselves. Each governor stands upon his own resources, and limits his attention to the circle of justices or councillors on whom he is dependent. There are no fixed rules for the promotion of the deserving, no extended field for the exercise of talent and assiduity with the prospect of notice and commendation. The office of governor when vacant is bestowed on some military or naval officer, whose capacity for the duties of directing a prison can only be guessed at, while meritorious officers of long standing and experience in prisons, are overlooked and unknown. Nothing, therefore, would tend more to raise the character of the prison officers, to attach them to their service, and increase their efficiency, as well as to render the discipline of prisons uniform, than to form the whole body of prison officers into a department of the State.

Men entrusted with the charge of nearly 250,000 criminals annually in the United Kingdom, are certainly numerous enough, and important enough, to be embodied into one esta-

blishment, subject to fixed regulations. That excellent corps of officers, the commissariat, might serve as a model for the formation of the prison officers into a regular establishment.

If the chief officers held commissions, and if a regulated scale of promotion and standard of attainments before admission into the service were adopted, young men of respectability, intelligence, and information would become candidates for the office of assistant-superintendent, and a number of experienced and approved officers would always be found, from whom to select persons to fill vacant situations of superintendent or governor.

The officer of greatest importance in the prison is the chaplain ; as prisons are constituted at present there is nothing to attach the chaplains to the service. They look to promotion in the Church generally, and not in their own service. If the chaplains to prisons were formed into an establishment similar to the chaplains in the army and navy, a most beneficial result would be obtained. Every man desires to belong to a corps to which he may attach himself, and look for sympathy and society. Prison chaplains form no peculiar body, and yet are apart from the parochial ministers.

No officer exposed to arbitrary dismissal, will ever feel in a just position, nor is there a greater obstacle to attachment to a service, or to the feeling of *esprit de corps*, than the liability to dismissal without a formal and regulated trial and sentence. It is, therefore, advisable on these and other grounds to constitute the prison officers of the United Kingdom an established body, with suitable and appropriate rules of appointment and promotion, as well as for the regulation of salaries, retired allowances, and pensions, and for the trial of those charged with offences.

CHAPTER XVI.

THE OFFICERS OF THE PRISON.

The principal officer in the prison should be termed the superintendent. The present name of governor is very objectionable: it presents an erroneous idea of the position and office of the principal director of the prison, and tends to indispose him to the performance of his duties. The title of governor suggests the notion not of an actor, but of a commander—of one whose duty it is to overlook others and issue commands, without himself personally fulfilling any active duties. It is far too high sounding, and confounds the director of a gaol with the representative of Majesty in the supreme government of a country.

Mr. Gladstone, willing to restrain the establishment of a proposed colony, directed that the name of superintendent should be substituted for the usual title of governor; and with far more reason and justice should the name of governor be withdrawn from the directors of gaols.

Many governors esteem it their chief, or only duty, to hear reports from the officers, award punishments to offenders against prison discipline, superintend the accounts, and walk round the prison, or part of it, twice a week, or oftener. The greatest diversity exists in the manner in which the governors of prisons perform the duties of their office, but, I believe, few of them

deem themselves required to spend much of their time in personal management of prison concerns, or superintendence of the men, either at work or at school, or to endeavour, by personal exhortations and attention to the prisoners, to induce them to behave well.

I have no doubt, also, that the very large salaries of some of the governors of prisons, have the opposite effect designed, and render them above their office, making them inspectors, in place of managers, of their respective establishments. The extent of the prison does not always correspond with the duty or responsibility of the governor, for the great extent of some of the establishments renders him but an inspector or director, while in small prisons the fewness of officers compels the governor to take part in the management and supervision of the prisoners. In large prisons, the number of officers, and the greater completeness of the establishment, diminish the difficulty of direction and the probability of any disturbance.

At Cambridge, with a daily average of 50 prisoners, the governor's salary is £269 with a house and many allowances and fees. At Carlisle, with 73 prisoners, the governor's salary is £385 with house, various allowances and fees. At Springfield, with 155 prisoners, the salary of the governor is £575, with house and allowances. At Cardiff, with 53 prisoners, the governor's salary is £300 with various allowances and fees. At Northbeach, with 43 prisoners, the governor's salary is but £100 with apartments and allowances. At Winchester, with 38 prisoners, the governor's salary is £300 with house and allowances. At Leicester, with 58 prisoners, the governor's salary is £300 with apartments.

- ✱ At Lincoln, with 9 prisoners, the governor's salary is £300 with house, and the chaplain's salary £200, or £55 to these two officers for each prisoner. The total cost for each prisoner in this gaol is omitted from the return, but as the total expense for the prison for the year, not including £300 laid out in repairs, was £1,224, the cost of each prisoner for the year 1847

was £140. At Lincoln City goal, with 19 prisoners, the governor's salary is £90 with apartments and allowances; the chaplain's salary is £25. In several of the metropolitan prisons the salary of the governors is £600 and £700 with house and allowances. At Nottingham County gaol, with 29 prisoners, the governor's salary is £236 with house and allowances. At Nottingham City gaol, with 63 prisoners, the governor's salary is £150 with apartments and allowances. At Petworth, with 57 prisoners, the governor's salary is £300 with house and allowances. At Warwick County gaol, with 172 prisoners, the governor's salary is £450 with house and allowances. At Warwick City gaol, with 256 prisoners, the governor's salary is but £250 without house. At Fisherton Auger, with 66 prisoners, the governor's salary is £325. At York, with 139 prisoners, the governor's salary is £600 with a house. At several prisons without any prisoners at all, the salaries of the governors vary from £40 to £150 per annum.

It is evident from this statement that the salaries of the governors of prisons are very unequal, disproportionate to their duties, and founded upon no fixed principle. If the officers of the prisons were formed into an establishment resembling the officers of the army or commissariat, a great saving might be effected in the expenditure, and a juster appointment of salaries might be made.

If the number of prisoners in every gaol were equalised and reduced to 400, a number which one superintendent could efficiently manage, the salaries might be fixed at £200 per annum, increasing £10 a year, after the first five years in office, up to £300. This salary, with a house and allowance of coals and candles, and the retiring allowance and pensions granted to captains in the army, and their widows and children, would be sufficient payment for the duties of the office, and bear a fair relation to the salaries of situations of a similar character and station in other departments. The salaries of the governors of prisons in Ireland are, on the average, much below this amount;

and captains in the army and navy have gone out to Van Dieman's Land as superintendents of Probation stations at salaries of £200 a year. Where the salary is so large as to enable the receiver of it to live in the style of persons of independent or considerable property, a very strong tendency is engendered in the minds of governors to haughtiness towards subordinate officers of much inferior emoluments, and to an opinion that their duties in the prison are altogether different, and that they are only to be directors and inspectors of the other officers. The superintendent or governor, on the contrary, should be himself the principal manager of the establishment, and take the principal part in the direction and superintendence of the men. He should not be content merely with making his rounds of the prison, and looking into the rooms, but should spend his entire time among the prisoners; going from party to party, never finding fault with an officer before the prisoners, but admonishing and encouraging the men to a cheerful performance of their work. He should especially be present at school and at divine service, which several governors are in the habit of neglecting, and should always be anxious to participate in the direction of the prisoners, and to evince an anxiety for their improvement.

Several of the lately appointed governors have been officers in the army, but I must be permitted to doubt, in general, the advantage of such appointments. Their honourable conduct, and habits of regularity and strict discipline, are certainly highly advantageous; but their sympathies are with another service; their habits are those of command, orders and submission comprise their entire discipline; they cannot usually employ gentle exhortation or moral influence to win respect; they in general know not how to obtain obedience by inducements of attachment, and appeals to reason or feeling. Their rank is an obstacle to their performing the subordinate duties of their office. An old officer of the army is not likely to spend willingly several hours of the day among criminals at work,

exciting their rational and moral energies, nor to devote his evenings to their school.

However the fitness of officers for the situation of governor of a prison may be determined, it will not be denied that it would be a much more just, advantageous, and natural arrangement, to raise the character and degree of the subordinate officers, so that persons of proved ability and experience might be selected from among them, and promoted to the vacant situations of governor.

The subordinate officers of a prison are those engaged in preserving the discipline, or overseeing the men at their work. The former might be called assistant-superintendents, the latter overseers. The number of officers required in each prison will depend on the class of prisoners who are confined in it.

Houses of Employment for vagrants would never require more than 12 assistant-superintendents, and from 20 to 30 overseers, in addition to the superintendent and senior assistant-superintendent. The description of their proposed employment outside the walls of their place of detention, renders a considerable number of officers necessary. There should generally be either two overseers, or an overseer and assistant-superintendent, with each party of 20 labourers, in addition to two assistant-overseers chosen from among the men themselves. The Houses of Employment should be placed where labour is required and profitable, and need not be surrounded with a high wall, as a fence would be sufficient for the detention of the destitute labourers. One, or perhaps two, parties of men, composed of those lately sent to the station, or of the disorderly and not to be trusted, should be employed at the various occupations always necessary in a prison. These should be subjected to severe discipline, and be on the lowest scale of diet and without any remuneration for their labour; and as they were deemed deserving they should be admitted into the working parties. The men who were regarded most trustworthy and who had accumulated the greatest amount of earnings, should be distri-

buted among the parties as assistants to the officers and to prevent combination. In the Houses of Employment, and in all other places of detention, copies of the general regulations for discipline, and the punishments for each of the common descriptions of crime or offence should be posted up against the walls and made distinctly known to each inmate of the building.

Destitute labourers, admitted to any House of Employment, should be allowed to depart before the termination of the period for which they were sent to the establishment, if they owe nothing to the institution, and can show to the inspector that they have probable means of employment and maintenance; and the impression should be conveyed as much as possible that Houses of Employment are not places of punishment, but establishments for affording occupation to those who are unable otherwise to obtain it.

The number of officers above stated, is the greatest that possibly could be required; in all probability half the number of superintendents and overseers would be found sufficient.

The unproductive expenditure of a House of Employment, would be the salaries of the assistant-superintendents, surgeon, chaplain, and superintendent. The two last at £250, the surgeon at £100, or if near a town at £50, the senior assistant-superintendent at £150, three others at £100, three at £80, three at £65, and three at £55, and the teacher at £120, would amount to £1,770 per annum. If half the number of discipline officers were found sufficient, of course the expenditure would be proportionably diminished.

The overseers should be labouring men, of good character, and steady habits, engaged to work with the prisoners at their several occupations. They should be expected to do three parts of a day's work each with his own hands, as well as overseeing their parties, and directing the work. The salary of £60 a-year would be sufficient to procure the services of excellent men; and the association of vagrants with steady, labouring men, would be beneficial to them. In the description

of labour appropriate to the inmates of a House of Employment, such as digging canals or docks, clearing or draining ground, constructing fortresses, public buildings, or in similar works, the value of the labour of the overseers would be nearly, or entirely equivalent to their salaries.

A fair and liberal estimate of the value of the men's labour for each week should be made, and the surplus above the whole cost of each man should be placed to his credit.

In prisons in which the prisoners are confined within boundary walls, or where they are employed at public works, round which there are high walls, as at the dock-yards, a smaller number of officers perhaps may be found sufficient; but, I believe, that the best returns will be received from those prisons where the labouring-overseers shall be most numerous. In quarrying stone, flags, or slate, and in sawing, squaring, or cutting the stone for builders, or for laying down in streets, an inexhaustible source of profitable, and in every way appropriate, labour for prisoners is provided, and one which would completely pay the expense of overseers.

Prisons appropriated to tailors, shoemakers, smiths, and carpenters, will be required at proper distances throughout the kingdom; and if employed in a judicious manner, and under competent overseers, will pay the cost of maintenance, and lay-up earnings to defray the expense of their emigration at the conclusion of their imprisonment.

Mere cultivating the soil by prisoners, for the sake of the crop, will pay for but a small part of their expense. This has often been experienced, and must be the case for many reasons. Grain can be bought more cheaply than it can be grown by prison labour, even on the best land, without any cost, and in the most favourable situations. The combination of stock with agriculture, and the various implements, farming-houses, stables, and beasts of burthen, with the variety of crops, requisite for a productive farm, render cultivation of the ground inapplicable to prisons. Twenty farming men are perhaps sufficient for farms

of 500 acres, to obtain as large a crop as can be procured, it would be scarce possible even for a House of Employment to cultivate a greater extent of ground, and then the labour of 380 men out of the 400 would be thrown away. Cultivation of the ground in prisons for thieves or felons, can only be as exercise or amusement; for any extent of land which could be surrounded by walls, would never produce a crop of any value at all proportionate to the labour of so many men. Some persons have, indeed, proposed the enclosing by walls of 18 feet high, 40 or 50 acres of land, to be cultivated by men under separate treatment; but this proposal is in disregard to expense, however consistent with the separate system; what have been called palace prisons, to be complete, perhaps, should have their parks and gardens for the recreation of their inmates. The surgeon at Wakefield states, that he found it necessary, in several cases, to direct that the prisoners should be *allowed* to work in the garden; and he observes, "I think that the health of the prisoners has been greatly benefited by the quantity of out-door labour which many of them have had; and I think that their health would be rendered still better, if the quantity of such labour could be increased and extended to more prisoners." If several hours are to be spent in the garden, an hour at chapel, an hour at dinner, an hour at school, an hour at breakfast and supper, and several visits from chaplain, surgeon, and officers are to be received in the course of each day, the prisoners' time will be pretty well engaged, and but little left for separate confinement to produce either good or bad results, especially as the period of so-called separation is not on an average much to exceed ten or twelve months.

Is it not apparent to common sense, that it would be much better at once to place the prisoners in a condition where they could be employed profitably in the open air the entire day throughout the whole period of their sentenced punishment, rather than for a problematical good to incur the immense expense and certain evils of the separate system, which is to continue for so

short a period, and to be succeeded by that very treatment, the condemnation of which is the reason and excuse for its own adoption?

Profitable labour in the open air, or of the description to which the prisoners are accustomed, should be the principle and basis in the location and arrangements of every prison; when the men are idle, they cannot be undergoing real reformation; when they are industrious, and enjoying the fruits of their industry in acquiring the means of future maintenance and improvement of their condition, they are in action and habit being reformed, and are in the most favourable condition for receiving corresponding knowledge and principles toward effecting their moral improvement. The idea of the compatibility of reformation with idleness should be discouraged; every thing in the prison should point out the advantages of quiet industry; and indolence or laziness should be punished by every privation and restriction.

It is essential that adequate arrangements should be made by the Central Board of Justice for providing the prisoners with materials, and disposing of their work. A general store and store-keeper should be established in London, and as many perhaps of the prisons may be built near the sea, a steam vessel might be usefully employed in the conveyance of stores, prisoners, materials, and articles manufactured by the prisoners. As before observed, the criminals employed at trades in prisons, should supply with clothing the army and navy, as well as the prisoners employed at out-door work; any amount of shoes might profitably be exported, and a judicious store-keeper would keep the prisons for in-door work constantly and advantageously employed.

The employment of tradesmen as overseers in prisons for in-door work, would be a great saving of expense, as the value of their work would be equal to their salaries, and the articles manufactured be well made; besides, the association with honest and industrious tradesmen would be beneficial to the men.

Every person conversant with prison discipline is aware how very much the well-being of the establishment depends upon the chaplain. He is the great moral influence upon the men; to him it belongs to dispel discontent and the spirit of resistance to prison rules; he alone can diffuse cheerfulness, hope, and willingness to obey and labour. In this capacity as the promoter of the disposition in the men to submit to discipline, he is of the most essential importance, in a temporal point of view, in the prison. When the chaplain duly exercises over the men the influence which his office enables him to attain, there is no danger of general insubordination.

It is plain, therefore, that the greatest care should be taken in the selection of men possessing the peculiar qualifications suitable to prison chaplains. The selection should not be subject to occasional applications or arbitrary occurrences, but should be provided for by proper arrangements—by a system, the natural tendency of which would be to procure men fitted for the office, and to sustain and encourage them in the discharge of their arduous duties.

Chaplains to prisons require external encouragement from the nature of their duties more than other ministers. Their field of labour is painful and disheartening, they have not the solace which other clergymen enjoy in the pious families of their flocks, and in witnessing the young grow up in virtue and piety, grateful to them for their early teaching. The prison chaplain has ever before him the same sad picture of crime and suffering, and although he will never fail of his reward in a blessing on his ministration, if it be offered from a heart animated by divine love, still it becomes those who have the power, to render his situation as free from temporal care as possible, and to support and sustain him in every reasonable way.

The arrangement before-mentioned of forming the prison chaplains into a ministerial body, would greatly tend to their mutual satisfaction and encouragement; which would be still further promoted by a provision for their appointment and superintendence through a clerical authority,

A salary of £200 or £250 per annum with retiring allowance and pension for wife and young children, would be a provision quite adequate to the desires of men who would undertake the office from proper motives, and at the same time not be an allurements to those who are actuated by desire of wealth or influence. It is very undesirable that the situation of chaplain to a prison should be made an office to be sought for by those who are possessed of interest capable of obtaining places of profit.

It appears an advantageous arrangement that chaplains of advanced age, or labouring under infirmities, should have young ministers appointed as assistant-chaplains, to aid them in their duties. It is a very sad way of estimating a minister's efficiency, by the number of miles he may travel, of hours spent in the prison, or the number of times he may read the service. Those very infirmities of age, or weakness, which sometimes diminish his bodily energies, may be the means of making him an instrument of blessing to the men; a depressed and subdued temperament, a sense of affliction and of the nearness of eternity; and the reverence and experience inseparable from age are appropriate to the duty of a prison chaplain, and likely to render his ministry more impressive and beneficial; aged clergymen should therefore never be discharged in order to make room for younger men, but as long as they are enabled by Providence should be encouraged to continue their ministration, aided by an assistant-chaplain who might receive great benefit by the advice and instruction of his experienced director.

Young men preparing for orders, or young ministers should be appointed as Probationary Chaplains to prisons under the direction of experienced and approved chaplains, and after a certain period of trial, not less than six months, should be appointed assistant-chaplains, to be promoted as vacancies should occur, and as the Board of Justice should determine. The qualities requisite in a candidate for a prison chaplaincy are, steadiness and sedateness of character, simplicity and kindness

of manner, and a plain and affectionate address. The higher and more showy qualities which in other stations are necessary or beneficial are thrown away in a prison, and are rather injurious than otherwise, as distracting attention from that which is of most importance, being inapplicable to the prisoners, and tending to render the minister dissatisfied with his position. I knew a man of great eloquence in a prison establishment, who was led by public applause to devote so much attention to oratory, that he became as objectionable to the prison authorities for neglect of duty—even that of the morning service to the men, as he was acceptable to the free people who attended the prison chapel.

If the prisons were under a Central Board, and the chaplains formed into one body, great benefit would result from exchanges of their ministrations, either at their own request or at the direction of the Board. Sometimes a truly worthy man commits by inadvertence, or under a wrong impression, or from defect of temper or of judgment, an error which may destroy or greatly impair his usefulness in the prison in which it has occurred, and fully conscious of his fault, may be in no danger of repeating it. A chaplain may find it a matter of conscience to report improprieties in the officers of the prison, which will afterwards prevent cordiality between him and them, or he and the superintendent may conceive for each other feelings which under a separation desirable to both; in any of these cases an exchange of their spheres of duty by chaplains so circumstanced would be productive of much good.

In existing prisons a practice prevails which I found to be highly disapproved by many intelligent officers, and which, I think, is very objectionable in its natural tendency. Chaplains are called upon to make reports of a general character, respecting the prisons to which they belong, and to give accounts of the disposition of the prisoners. They perform this duty with different degrees of fulness; some enlarge on the excellence of the officers of the prison, praising them for various good

qualities; others are silent on the subject; many describe their great success in the reformation of the prisoners, and, I believe, all speak satisfactorily of themselves and their duties. The evil tendency of requiring or receiving from the minister of the gospel a report of the officers of his prison is manifest. He judges by a different standard, and by different motives from those of the public, or of the chief authorities; regularity of discipline in his eyes, is of far less consequence, perhaps, than an apparent interest in the spiritual welfare of the prisoners. If he praise some and not others, he offends the latter; if he praise none, he offends all, for not doing what other chaplains in other prisons have done. The officers feel that he is not a proper judge of their merits or duty, and that it is not his proper business to be inquiring into either, so as to form a judgment. The chaplain himself will always be reluctant to speak what may offend, and if he has laid himself in the power of any officer, by being guilty of a fault or neglect, he is constrained to speak what is pleasing to that officer. The practice of chaplains detailing the success of their ministry, is, I think, also very prejudicial; but if it be not obviously so, I do not deem it advisable to adduce the reasons which induce me to think it objectionable, and if they are obvious, there is no need of stating them.

A bishop returning after an absence to his diocese, received from the clergy accounts of their respective parishes; the greater part, or all but one, spoke in a highly satisfactory manner of their ministration; the exception described himself as useless, effecting little good through his own neglect, and encouraged only by a few of his parishioners, who had died in the assurance and joy of the gospel. The bishop stated this last not to be one of the least zealous and laborious ministers of the diocese.

Many ministers who were approved in the judgments of men, have felt constrained to speak of themselves and the effects of their ministry in terms of depreciation; and perhaps not a few

of those who speak of themselves most approvingly, do so because they are unconscious of their deficiency from ignorance of what manner of a man a minister of the gospel ought to be, and what sort of fruits of his ministry the Lord will confer on a faithful servant. It seems, therefore, most judicious to confine a chaplain's report of his ministry as much as possible to simple facts, which can be recounted without ostentation; and it is the duty of the inspectors of prisons to give general reports of the establishment, which may be materially interfered with by those of the chaplain, in the not improbable event of a discrepancy of opinion between them.

In the reports of chaplains concerning the management of the prisons to which they are attached, they are apt to impute the results of their own zeal and exertions to the system of discipline under which the prisons are conducted. It has been shown what great efforts have been made to render prisons on the separate system as perfect as possible at once; no expense has been spared; nothing which could be imagined advantageous has been omitted in their construction, and a numerous body of the most efficient officers have been appointed, with chaplains of the highest attainments and qualifications, and with double the ordinary salaries. It is not surprising if, aided by teachers, ample supply of books, and abundance of time allowed for the men to attend chapel, and to receive private instruction, the chaplains of these prisons were enabled to believe that the effects of their ministry were far beyond what could take place in the old prisons, ill officered, without schools or teachers, or sufficient opportunity for instruction being allowed, and with the men crowded together, without supervision. Such a comparison is of no effect respecting the results of any system, and cannot lead to a fair judgment of its advantages or its evils. Had the zealous ministers of Reading or Pentonville prisons been stationed in prisons of another description, their efforts would not have been abortive; and unless opposed by some most powerful cause of corruption among the men, would have

been perhaps as satisfactory as they are at present reported to be. It is, I think, confining too much the beneficial influences of the preaching of the gospel, to limit its efficacy to men in one condition, and that so unreal and unnatural as separation from intercourse with their fellow-creatures; and admitting all the facts reported of the conversion of the men in separate cells, the conclusion does not, I think, follow that a similar result might not attend the same ministration under other circumstances. The amiable and devout author of the "Convict Ship," recites a religious impression and conversion of heart as having been effected by his preaching on board the ship, certainly as general, and in my opinion, though not in many cases perhaps continued and permanent, yet for the time as genuine as the effects produced by preaching in any separate prison in England. This is an example of the influence which a single preacher of righteousness may produce on prisoners under most unfavorable circumstances, and he is no more to be blamed, nor his preaching to be depreciated, if many or most of his hearers yielded to the overwhelming temptations of a penal colony, than is the ministry of a separate prison to be condemned because those who leave it are unable to resist the evil influence of their old associates. With the same reason might the treatment of a physician be considered useless because his patient, dismissed free from pain or evidence of malady, may have again gone into contagion, and been attacked or destroyed by a repetition of the disorder.

A well organized and frequent inspection of the prisons is necessary to preserve vigilance and attention in the officers, and uniformity of prison discipline and arrangements. I think it is a maxim that local direction is objectionable, and local inspection is advantageous. When the general direction, and appointment of officers in an institution are vested in one or more local magistrates, the following consequences may, or do result,—first, The institution is isolated, the relation of its officers and arrangements is almost exclusively confined to its local

directors.—2nd. Uniformity with other similar establishments cannot be preserved in the number, salaries, or duties of the the officers, and in the particular arrangements of the institution ; for it is not to be supposed that numerous separate local authorities will adopt the same measures.—3rd. Local directors whose experience is limited to one place and a single prison, are not so well qualified to direct an institution, involving difficult moral, and social questions, as a Central Board possessing the experience acquired in the certified results of the experiments and arrangements tried in the whole body of similar establishments.—4th. Local directors seldom continue long in office, or can give their undivided attention to the institution under their charge ; they generally have other occupations, and can only apply to its direction their spare time and hastily-formed opinions. A Central Board would be composed of men qualified for this difficult office, permanently appointed, possessing accumulated and general information, and devoting their whole attention to their duties.—5th. It is impossible to prevent personal interests and private feelings from interfering in local directions. Friendships and acquaintances, connexions of business, of obligation, or party, will intentionally or undesignedly impart favor and partiality, or dislike and severity. Those who suppose themselves to possess interest with the directors, and who can reckon on their support, will become liable to negligence or presumption, and the attention of the officers will be directed less to merit approbation by zeal and diligence, than to obtain the favour of the directors by subservience, assiduity, and the good offices and interest of friends.

Local inspection is advantageous for various and obvious reasons. Inspectors acquainted with the locality will hear every particular relating to the institutions, have the most extensive channels of information, and be at hand constantly to superintend and investigate.

It seems, therefore, that an advantageous mode of providing for the inspection of prisons, would be to appoint inspectors to

every four or six prisons, with instructions to visit each prison in their charge, at least once a week, at uncertain hours of the day or night. The local inspector should be the medium of communicating the directions and correspondence of the Board, to the several superintendents of prisons, and should sign their reports and returns to the Board. The salary of local inspector should be £400 a-year, and the most efficient and experienced superintendents of prisons should be promoted to this office.

The four district inspectors should visit the prisons in their respective districts four times a year, and be the medium of conveying personal information respecting the prisons to the Board of which they should be members.

The prisons should be open to the inspection of magistrates, men of letters, and persons of respectability, and the spirit of secrecy and concealment which sometimes shuts the apartments of the prisoners even against magistrates of the districts, or those who possess an authority from the Secretary of State to visit the prisons, should be laid aside. The jealousy towards strangers, and reluctance to admit visitors into prisons on the separate system, is frequently complained of; many persons of intelligence and interested in the treatment of prisoners have been unable or unwilling to overcome the difficulty of seeing the prison even in their own town. Although possessing a permission to visit the prisons from the Secretary of State, and being a chaplain in a penal colony, I was refused permission to attend divine service on the Sunday in a prison chapel, the governor replying to my application that "there was no room for strangers." In two other prisons, on the same system, I was permitted only to walk through the corridors without seeing the prisoners, as if the order to be allowed to visit the prisons meant only to be allowed to look at the walls. In these cases the time, trouble, and expense, of visiting the prisons, were thrown away. In other countries and even in Russia, respectable persons are courteously conducted through all the public institutions; even the rooms of the Emperor and

Empress, in the palaces, are open without expense to visitors, and it is not to be wondered at that the prisons on the separate system in England should be compared to those of the Inquisition, when they are sought thus to be secluded from observation. A visit from a stranger, even by authority, is in many of them undisguisedly regarded as an intrusion, information is most reluctantly afforded, and the impression is conveyed that strangers or the public are considered to have no right to inquire into concerns of the prison. From this observation, I gratefully except the governors of the prisons at Reading and at Salford, and at both prisons in Northampton, who condescended to accompany me and gave full information, allowing me to inspect every part of their prisons.

I am sure that however disagreeable to the officers, nothing is more conducive to the good management of a prison than the admission of proper visitors at suitable times; and the general intelligence of the public and of those who are desirous of turning their attention to the subject, should be encouraged rather than opposed in seeking information on institutions of such general importance. The public sense of what is just and of what is right is the best redressor of wrongs, and the evils which disgraced humanity in the prisons of former times, and those which still continue, existed only because they existed in darkness, and because a general knowledge of them had not excited public disapprobation. I mean not to impugn the conduct of the humane and intelligent inspectors of prisons, than whom perhaps better men cannot be found for their offices; but I must declare my conviction that no unconcerned members of the community from the middle walks of life would refrain from just exclamations of horror and reprobation, if admitted to behold the manner in which men pass their nights and days in the prisons of the United Kingdom. Every succeeding condition of prisons has no doubt been deemed so much better than that which preceded it, as not to need public intelligence to improve and condemn; but the next condition has shown that this sup-

position was unwarranted in its predecessor; let it, therefore, be established as a maxim, that no institution should be inaccessible to the public intelligence, and that men of letters and information, and persons of respectability, should be encouraged to visit the prisons at suitable times.

In addition to the district and local inspectors, a chaplain-general should be appointed for the purposes mentioned in the preceding observations respecting prison chaplains. It is of the greatest importance that a minister of judgment and experience should be commissioned to receive applications from candidates for the office of assistant-chaplains, to examine their recommendations and qualifications, and to report on them to the Board of Justice for its determination. There are many circumstances connected with the ministration of religion in a prison, on which the advice of a superior minister of his own department might be of the highest utility to a prison chaplain, in giving information, removing error, or pointing out deficiency which a lay authority, judging only by observable facts, might be unable or unwilling to notice. Acting as a medium of communication between the Board and the chaplains, and between the chaplains themselves, he might exhort and encourage with great effect, and might animate each chaplain by describing the zeal and success of the most eminent of his brethren. In the case of any charge against a minister, it is almost a matter of justice, that one of his own profession—one of his peers, should participate in the proceedings; this would give confidence to the chaplains in general, and be of the greatest advantage to the interests of prison discipline, in rendering the chaplains more secure against erroneous charges and judgments, and, therefore, more content with their situation.

In the Reports on Prisons for this year, an inspector states that he wrote a letter to the magistrates of a town with 52 recommendations, the first of which is, “that the present chaplain be removed from his office, and a well-qualified chaplain be appointed in his place.” The suggestion was acceded to, and when

I visited the prison in August last, the chaplain had been dismissed. It is not for me to express an opinion on the justice of his punishment, I only testify that a general regret seemed to be felt among the officers for his loss, and that I was assured he had exercised a good influence upon the prisoners, the females especially. I subsequently saw a letter from this gentleman, in which he complains that no charges of any moment were alleged against him, that he never had a trial or fair opportunity of knowing or disproving his alleged offences, and that he was an old man with a large family, after many years service, cast destitute and penniless on the world. If this statement be true, the case is of a lamentable character, and its having occurred is much to be deplored; but even if false, it will not be denied that it is unworthy of the intelligence and principles of the English people, and derogatory to the office of a minister of religion, that a chaplain, and still more an old one, should be dismissed to starve without such a trial as should satisfy the public of the justice of his condemnation, and leave no ground for an accusation so reproachful against public equity, as that he was condemned without a fair and open trial and investigation of his case.

To prevent such liability to injustice, and exposure to imputations, the appointment of a chaplain-general would have the greatest effect, and be a guarantee both to the prison chaplains and the public of the fairness of any trial or judgment which may be pronounced. But in all cases reports of judicial investigations or trials should be forwarded to the Board of Justice for its determination and sentence.

I may here mention a practice deserving notice in the English and Scotch prisons. Ministers of the Roman Catholic religion are not allowed to attend at fixed periods, and have the prisoners of their communion assembled for religious service. I was informed in the prisons that the rule was, if any Roman Catholic prisoner desired to see his minister, he was sent for and allowed to see him; or, if the minister called and mentioned the

name of any particular Roman Catholic prisoner, he was allowed to see the one he named, but was not made acquainted with the names of any other Roman Catholics who might be in prison, or allowed to see them, or have them assembled for divine service. These arrangements disclose an unworthy jealousy and partiality, and violate the principle of religious toleration. If the State does not provide for the religious instruction of Roman Catholic prisoners in England, at least it should not interpose a bar to their receiving it when voluntarily afforded. It is sufficient to bring before an enlightened government a notice of this regulation, want of knowing which could alone have been the cause of tolerating its existence or continuance.

From the foregoing statement and observations, it will have appeared that no uniform system of discipline can be established and carried on in the prisons of the United Kingdom, unless a Central Board of Justice be appointed to direct every branch of penal administration. The multifarious duties of the Secretary of State for the Home department, the frequent changes of ministers occupying that situation, and the short period many of them remain in office, render it nearly impossible for the Home Secretary to obtain the information or devote the attention due to so extensive and important a branch of the public service as the administration of the penal system of the kingdom. The treatment of criminals, though of the utmost social importance, seldom, if ever, possesses sufficient public interest to form a prominent subject of state policy, or to become a question to which the success of an administration is attached ; hence the study of its principles, or knowledge of its details, do not necessarily form one of the many subjects on which ministers of state are expected to evince, or possess, extensive information, or decisive views.

Possessing the deepest importance in its relation to public morals and general industry as well as to the finances of the State, the treatment of the 250,000 annually imprisoned offenders of the United Kingdom, does not excite as much

public interest as a minute subject of party, or religious difference, or even a question of taxation, perhaps not equalling the amount expended, it may be without necessity, on prisons. It would appear, therefore, that a branch of the public administration so little connected with party politics, and of such general and social importance, should be entrusted to a separate, permanent, and exclusive Board of Direction.

The incongruity and contradictory arrangements in prisons, it may be in the same town or county, have been already frequently mentioned. This exists to such an extent, that the relative advantages of the different prisons are a frequent subject of discussion among prisoners. In the articles of labour, diet, clothing, period for sleep and accommodation for sleeping, freedom from inspection, restraint upon conversation, and facilities for improper conduct, each prison has its peculiar advantages or the reverse, well known to the prisoners. As examples of this, it may be mentioned that I observed in some prisons political offenders as they were termed, or Chartists, confined for above a year in cells which could not be heated, and allowed out but for an hour's daily exercise: in others, I observed them playing ball with their friends, who are allowed to be with them all day, and to bring them food and drink; in one prison the noise of their sports was heard plainly in the other yards. In several prisons the transported convicts get very much better food than other prisoners, and are not required to do any work whatever. In some, the untried and debtors are obliged to work. There is no work whatever done in some prisons, no school or instruction in others. In some prisons, there is an officer to every two, or six or seven prisoners; in others, parties of prisoners are shut up all day in yards or rooms, without superintendence, from want of officers. Several prisoners of different ages and conditions are crowded together in cells in some gaols, while in adjoining prisons there are many cells empty. Some prisons are manufactories for making articles of clothing, cabinet work, brushes, mats, canvass, &c.; in others, the prisoners

are prohibited from making articles required for their own use, lest they should interfere with the general trades. In some prisons, resident ministers of religion are employed the whole day among the prisoners; in others, a service on Sunday, and occasional visits are all that are required. These, and various other differences, exist in the management of prisoners in the gaols of Great Britain, and nothing but the direction of a Central Board of Justice can produce a uniform, or effective system of discipline.

A central authority is requisite for a fair and judicious appointment and promotion of officers, which cannot be well effected on applications of interest or sudden recommendations, but by a permanent directing power, possessing a full knowledge and experience of its ministers and officers.

A Board of Justice is essential to carrying out the recommendations proposed in this work,—that the prisoners on conviction should be classified and remitted to appropriate prisons—that a general system of work, in door and out, should be carried on—and that the officers of prisons should be organised into an official body.

The Board should consist of about thirteen members, of whom the five English and Scotch district inspectors, the chaplain-general, the physician-general, storekeeper-general, and surveyor-general, should form part. The president should be permanently appointed, and be a person of gravity, diligence, and experience, accustomed to judicial proceedings. Two members of the Board of Justice might have power to attend meetings of the Poor Law Commissioners or Directors, and two members of the latter might be empowered to attend the Board of Justice whenever questions concerning both departments may be under discussion.

CHAPTER XVII.

TRANSPORTATION.

For many years the criminals of the United Kingdom, sentenced to transportation, were conveyed immediately to New South Wales and Van Dieman's Land, and on their arrival, in many cases before they left the ship, were hired or assigned for one or more years to settlers entitled by permission from the governor, to have convict servants. Horrible scenes of suffering and iniquity took place in the convict ships among the prisoners locked up in crowded berths, and little that was impious, unnatural, and corrupt in act or word was left untaught and unpractised among them. Their passage to the colony was a school of depravity, in which by compulsion and example they were all reduced to some excess of vice, and deprived of the last remains of shame and compunction. On their landing they were distributed among the settlers on their farms, but not as has been supposed admitted into their families; they lived almost exclusively associated with each other, in parties of from three to thirty, in huts separated from the farm buildings, and appropriated to the use of the labouring men. They received no wages, but were supplied by their masters with clothes and rations, generally including a little tobacco, and abundance of tea and sugar, but no intoxicating drink, save during the reaping season. The annual expense of the clothing of each

man to the generality of masters, did not exceed from thirty to forty shillings, though in some establishments the convict servants were more expensively clothed. The men were content to labour on these conditions, when the master was not harsh, unjust, or suspected (as was too often the case) of preventing his servants from receiving the tickets of leave usually granted on the expiration of half their sentences to those who behaved themselves well during their assignment. In the case of idleness, neglect, or misconduct, the master gave his servant in charge to one of the district convict constables, who were in general at least sufficiently harsh to the men, to convey him before the police magistrate, and it was a general subject of complaint, that if his master were in favour, the servant was flogged and sent back to his service as a matter of course. My own observations and experience lead me to believe that a great amount of cruelty and injustice was practised in this way upon the men by some of the masters, especially by those who themselves had been convicts, or common labouring men. In very few services was any attention paid to the moral conduct or reformation of the men; as long as they did their work no further notice was taken of them, and they were allowed considerable license in wandering about; many spent the Sundays at what were called sly grog-shops, or in the bush-hunting, Opossums or Kangaroos. They had their own private laws of uniting with each other in theft, or its concealment, and in assisting to cheat and deceive; compelling each newly arrived convict to enter into the association by the threat of persecution, and of their concerting to bring a charge against him of felony, or in their own words, "to bring him into trouble."

The assignment of women to the keepers of public-houses and improper characters, and the general neglect and want of proper regulations, and of officers to superintend the treatment and conduct of convicts in assigned service, produced evils which may easily be conceived; but as regards their masters, their obedience, and the amount of work which they performed

when tolerably treated, were far beyond what might have been expected.

In 1839, and the three subsequent years, complaints and dissatisfaction prevailed against the assignment system, and evidence was afforded to a Parliamentary committee of its abuses and evil effects. It may be doubted, however, whether the charges against it were founded on particular or general facts and consequences, whether due allowances were made for the character of convicts, many of whom under any system must continue depraved, and whether the evils alleged to result from the assignment system did so necessarily, or were the consequences of the promiscuous transportation of criminals of every degree of guilt,—of defective arrangements and regulations,—of exclusive regard for the interest of the masters, and general neglect of the convicts,—of want of provision for their instruction,—of inducement to good conduct,—and of officers to superintend their treatment and behaviour.

In the year 1843, the probation system was introduced on the principle that the men should endure a primary punishment previous to entering into the service of the settlers. They were to work in gangs of about 400 men each for two or three years, according to their respective sentences of transportation. Suitable buildings for their accommodation were to be erected by themselves, a religious instructor was attached to each station, and such of the men as desired it were to attend school every evening after work for an hour and a half. It was supposed that the men under this system would learn to read and write, and be instructed in religion, that they would acquire habits of regularity, sobriety, industry, and obedience, before they were dismissed to society.

In the year 1845, the minds of the colonists were become impressed with the conviction that the probation system was working unprecedented evils at the stations, and diffusing shocking vices among the men. Mr. Pitcairn, a gentleman of high influence and respectability, with great public spirit, incurred

the odium and very serious inconvenience of bringing on himself the opposition of the Colonial Government by reports to the Secretary of State, which at length compelled its attention to the corruption of the men in the gangs, and broke through the cloud of palliations and false denials of the prevalence of vice. Few persons can appreciate the perseverance and moral courage required and exhibited in this transaction by a gentleman unsolicitous of popular favour, or of any public office, and impelled by humanity to denounce the moral and physical pollution of the unhappy convicts; and I mention his conduct to transmit his name to the respect of lovers of virtue and humanity, and in the hope that the Government will express a well-merited acknowledgment of obligation for disclosing and contributing to terminate compulsory schools of iniquity, involving the deepest moral responsibility and the highest public obloquy.

Investigation and subsequent reports having established the truth of the charges against the probation system, the present Secretary for the Colonies, in February, 1847, announced that transportation to Van Dieman's Land should not be resumed.

Since it cannot be asserted that the mere association in the same building of 400 prisoners must produce the fatal results which took place at the Probation Stations, it may be advantageous to notice the causes of this catastrophe. The ruinous results of the system may be attributed to the unfortunate removal of the Colonial Secretary, Mr. Montague, from Van Dieman's Land. That officer had, I believe, himself participated in designing the probation system, and fully understood its proposed principles and arrangements; he had great experience and minute acquaintance with the discipline and character of convicts, and with the resources and interests of the colony, so as to have possessed the knowledge and ability of rendering them mutually co-operative and beneficial; he had judgment to comprehend the subject of penal discipline in its various considerations, foresight to provide for difficulties, energy to adopt decisive and

effective measures, and talent to set forth the truth, to explain causes and consequences, and to procure the sanction of government to necessary measures. His loss, therefore, at the formation of the probation parties, was decisive of their failure, and a consequent calamity to the public.

The more direct causes of the failure of the probation system, were the sudden deluge of convicts poured in upon the colony without previous preparation of buildings for their reception. As a striking example of this, I may mention that I ministerially attended a party of about 250 convicts, who were sent on their landing under the charge of a few ticket of leave men, I believe only three, into the wild bush, seven miles from Hobart, with saws and axes to cut down trees and build for themselves huts. The scenes which I then witnessed no length of time can efface; and I look back with wonder at the hazard of the proceeding, and the astonishingly small amount of disorders and outrages committed by so large a number of convicts abandoned almost to their own controul. Their first dormitory was a small bark hut, surrounded in the inside with three rows of berths, in which the men were packed as closely as they could lie; while preaching to them at the door, the walls seemed lined with three close rows of human heads projecting from the berths.

The number of men required for station labour was very considerable; they were employed in carrying provisions across a mountain from Hobart Town, cutting fire-wood, carrying water from a distance, washing, cooking, baking, and numerous other works about the stations; so that a proportionately small number were employed at building, and several years elapsed before decent accommodation was provided for the men. In the year 1848, there was not a single station with proper dormitories for 100 men, and in most of them the mode of lodging was inconceivably shocking. It is plain that during this long period the most dreadful vices and disorders had grown familiar to the men.

2nd. Many of the authorities in Van Dieman's Land, accus-

tomed to the grossest neglect of the moral condition of the convicts, and to complete practical indifference to the extent of depravity practised by them in secret, so long as they did their daily labour, were very ill-adapted to exercise a reformatory or moral discipline over the men. They had long been accustomed to lock up in huts, similar to those of probation parties, assigned men, who for crimes committed in the colony were sentenced to work in chain parties on the roads. Habit rendered them incapable of observing or attaching due importance to the contagious communication of such association; they limited their attention to outward appearance, and repressed inquiry or disclosure. To this unhappy disposition is to be attributed the neglect of proper means for repressing vice, and the rejection of them, when proposed, allowing men to remain year after year in the same wretched huts, even when spacious buildings were erected for dwellings for the officers, for store-rooms and granaries, and for barracks for the soldiers. Sir W. Denison in a late report, observes, "There is not a single station in which the buildings are in an efficient state, either as regards arrangement or construction."

3rd. By direction from the Secretary of State, "the pecuniary object to be kept in sight, in the employment of convicts, is the raising by them of the produce, necessary for their subsistence, and the consequent diminution of the expense now entailed on the mother country." The carrying out of this direction was assumed by the commissariat, who exercised a controul over the convict expenditure. The men were employed in preparing ground for cultivation, and vainly attempting without knowledge, beasts of labour, implements or experience of the soil and climate to rear crops, before the buildings, most necessary for the men, had been erected. The chief commissariat-officer, inspected and reported on the cultivation and capacity of the soil in the various stations, as if he were a proficient in colonial agriculture, exposed to the derision of the settlers, who knew, what was at length apparent, that wheat could be

purchased at half the price at which it could be grown at the stations. Thus the discipline and moral condition of the men were sacrificed to a vain hope of profitable agricultural labour. In the coal mines, where the most shocking vices were practised without restraint ; in opposition to all remonstrance, the men were continued in the mines, nor were they removed till the consent of the commissariat-officer was at length received to the abandonment of the works, after an experience of several years had convinced him that the price of the coal did not pay for the expense of the machinery and labour. It is plain that until the accommodation for the men and for carrying out discipline had been completed, their labour should not have been diverted from the buildings necessary for those objects.

4th. The direction of the probation system was impeded by three distinct and conflicting authorities and interests. The Colonial Secretary was naturally inclined to view with jealousy a department in his colony, independent of his jurisdiction. He had no interest or inducement to forward its success, and kept aloof from affording it sanction or support, being generally regarded by the convict authorities as disapproving of the system. The commissariat questioned every item of expenditure, and from the supposed influence of their reports at the Treasury, were enabled to restrict the comptroller-general and prevent the employment of the most necessary officers, consequently abandoning the men to all the evils which resulted from want of nightly supervision, and compelling the employment of convicts, as superintending officers, to the overthrow of all discipline and order. Even so late as 1847, when the system was matured, the number of superintendents, assistant-superintendents, and overseers for 10,128 male convicts in the gangs, was only 248, or one officer to each 40 men. No reason can be assigned why convicts in Van Dieman's Land every day marched out of their stations in various small parties to work in the woods and fields, should not require at least as great a proportion of officers as in the perfect prisons in England,

where the men are confined in cells, yet is the proportional number of officers in the latter five times greater than in the probation gangs. This alone must be sufficient to account for the failure of the system.

5th. The great distance from England, and the length of time (about eight months) required for an answer to a request for directions on any subject, was a great cause of the failure of the system. Precise instructions were given by the Home Government, and the comptroller-general was warned that "he was not at liberty to adopt any detailed regulation at variance with the scheme which had been proscribed." He was therefore bound to carry out measures which sometimes rendered the whole system abortive. The Home authorities were necessarily in entire ignorance of the condition of the colony, and issued directions perfectly impracticable. As an example of this, it was expected and ordered that the colonists should pay for the men's labour in making roads, when the value of all the lands in a district would not amount to even a small proportion of the expense of a station while a road through it was being made. When this expectation was subsequently relinquished and other terms for employing the men allowed, it was found that their labour was of so little value as not to be even worth the cost of tools and superintendence, and that the settlers refused to employ them on the condition of providing for these two expenses.

The Home Government complained that the statistical returns from the comptroller's office were abundant, but that information had been "uniformly and singularly meagre with regard to its moral aspect and operation, and conveyed in rare and slight allusions." It is a painful result of experience in prison matters to learn to discredit official reports. They are under the proverb against self-praise. It is not to be expected that men will feel, or if they do feel, will confess their own failure and discredit. The head of a department will be surrounded by interested flatterers, ready to give a favourable aspect to every occurrence, and he cannot easily believe that the plans which he esteemed

full of wisdom, should turn out without success, or that his exertions should be unavailing. When he visits to inspect, all is prepared for his approbation, everything is in order, and every face expresses satisfaction, and demands approval. It is very possible he may be the last to know of abuses and evils, or if he suspects their existence, may be unwilling to harbour displeasing suspicions. Superintendents of the most corrupt stations, and chaplains of gangs immersed in vice, or of the convicts at the Hulks, may forward the most satisfactory reports of the men and of their duties; but such statements can only be duly appreciated, by allowing for the natural bias on the minds of the reporters. This is not intended as an excuse, but as an explanation of the defective reports to the Home Government, and of the causes which will always render similar reports of little value.

6th. A great cause of the failure of the probation system was the impossibility of obtaining competent officers for the stations, and the arbitrary authority to which they were exposed. When the men were poured in upon the island, it was found necessary to appoint persons to situations to which they could not have been deemed competent under other circumstances. I remember the wife of a person who kept a stationery and toy shop, telling me that her shopman was too delicate for the business, and that she had just solicited for him the appointment of religious instructor to a probation gang. He obtained the situation. The spiritual interests of 400 men were committed to his care, but as might be expected, he made himself obnoxious to the officers and hateful to the men; he was removed to another station, and, finally, fled from the colony under most discreditable charges, and to escape from his creditors.

Mr. Latrobe, in his Report of 1847, observes, "That after all the stress laid upon the necessity of providing adequately for the religious and moral instruction of the convicts, the class of men whose services were at command (as religious instructors) were not of the stamp that must be employed, if a reasonable hope of success were to be indulged."

Sir W. Denison has lately pronounced the following decision, "The general complaint of the inefficiency of the officers at the different convict stations, applies in its full force to those to whom the religious instruction of the convict is entrusted." "Some attempts have been made to encourage the penitent, and those who appeared willing to alter their course of life, by making them a class apart, and affording them some indulgences; but as might reasonably be supposed, the only effect of this system of bribery, has been to produce a description of hypocrites, whose power of doing evil has been increased by the species of confidence placed in them. The efforts, then, of the religious instructors in the probation gangs, may be said to have produced no good result." "The opinion expressed by all who have had an opportunity of judging, is, that with very few exceptions, the convict issues from the probation station a worse man in every respect than when he entered it. In cases where the efforts of the religious instructors have appeared to produce an effect upon the feelings of the convict, this effect has always been found to be short lived, even if real."

If the religious instructors deserved this character, it is not surprising that the influence of religion upon the men was but small. I presume to mention an opinion that the position of the religious instructors precluded a successful result to their ministration. They were unsupported by the ecclesiastical authority, the bishop declining the charge of men subject to arbitrary appointment, regulations, and dismissal by a lay power, and they were so circumstanced that zeal would have been an offence, and activity and energy certain to embroil them with the civil authority. To possess influence was to excite jealousy, to deplore and endeavour to oppose the prevailing vice, was to excite suspicion as bringing a reproach upon the establishment. In stations where the superintendent was deemed a favourite of the comptroller, the religious instructor, unless subservient, was subjected to constant annoyance, persecution, and misrepresentation. The ministration of a religious instructor, to my own

knowledge, was limited to morning and evening prayer of five minutes duration, that the men might not be kept from their work, and to his services on Sunday. Under such circumstances it is not surprising that conscientious men should have left the service at the stations, as many did, and that the generality of instructors under such restrictions should appear indolent or neglectful.

Settlers who had been unsuccessful in farming or speculations, and retired officers from England, were appointed superintendents of stations, the former almost entirely destitute of the habits and qualifications requisite for the office, the latter altogether ignorant of the colony and the habits of the convicts, disappointed in the nature of the situation, and not prepared, by their former regular and well-ordered routine of life and discipline, to afford the constant personal attendance and judicious management, required in the frequent emergencies of a convict station. The issuing of orders, frequently impracticable, or difficult of execution, to assistant-superintendents, regarded as serjeants or corporals, was but an inefficient discharge of the duties of superintendent, rendered still less advantageous by the arbitrary manners of military and naval command. The exercise of a gentle influence and paternal authority was confined to a few gangs, presided over by men of humanity interested in the welfare of the convicts. In the generality of stations, harshness and severity of the officers, and too often of the religious instructors, produced among the men their natural consequences,—dogged ill will, and the spirit of revenge and insubordination.

The arbitrary authority to which the officers of the probation stations were subjected, and the treatment which they received, were highly prejudicial to the service. It is a lamentable, but common occurrence, in estimating officers to judge their capacity by absolute, in place of relative, results. It is plain that he who, with greatly inadequate means, obtains a less remarkable success, may deserve far more credit than another who

with sufficient means obtains a more satisfactory result ; but this is frequently overlooked, and an officer with complete buildings and numerous and effective officers is lauded at the expense of his predecessor, to whom he owes his success in the erection of the buildings, and who only by the greatest skill and exertion was enabled with his deficient means to preserve any order at all.

I cannot help observing, also, that nothing is more natural or more common, than to visit on subordinates the fault of the chief authority, and to attribute to neglect of the latter omissions and want of judgment or foresight in the former. These are the lamentable consequences of the arbitrary power of displacing and appointing officers vested in a single individual, and aggravated by the absence of an established mode of trial, and of awarding special sentences on definite offences. It is impossible to describe how deeply and extensively prejudicial to any service is such an arbitrary authority ; and in no slight degree are the evils of the probation system to be attributed to the exercise of this power, which filled Hobart Town with complaints of dismissals without trials for unknown faults, or on charges not specified at the time, or for long periods afterwards, and which impressed the officers with distrust and apprehension. I may state, as the result of my own experience, that the constant conversation among the officers at the stations was respecting charges and reports secretly forwarded and received, and the changes and dismissals which were supposed would follow, every one depended on favour and interest, there was a complete absence of confidence and a constant dread of doing or saying anything which might be made the subject of a secret report. The officers were at variance with each other, and those known to be guilty of underhand practices were excluded from society by the rest. I might mention several instances of officers, some of whom had held commissions in the army and navy, who were discharged without a fair trial and open investigation, and whose families were reduced to indigence, while months elapsed before they could obtain the official information necessary for a

memorial to the Secretary of State, or the price of a passage home for themselves, leaving their families without means in Van Dieman's Land. The wife of an old officer in the army, thus treated, was obliged to pawn her clothes for the support of her children, and obtained relief from the collection for charity at a church.

It will be seen that most of the preceding causes of the failure of the probation system were circumstances independent of the governor or comptroller-general. The evils grew up without the knowledge of the former, and in opposition to the utmost efforts and care of the latter. If the highest philanthropy and general attention of a governor to the moral and temporal interests of the colony and of the prisoners, could have obviated the evil tendency of the gangs, the administration of Sir John Franklin would have had that effect. The death of Mr. Forster presented the melancholy spectacle of a mind possessing great experience, energy and zeal, overcome by uncontrollable influences, and destroyed by anxiety and grief at the prevalence of a dreadful evil which there was no means of speedily repressing.

CHAPTER XVIII.

DARLINGTON, MARIA ISLAND.

The station is seated on a gentle ascent, about a quarter of a mile from the shore; it has a neat and dry appearance. The muster-yard is a spacious quadrangle, 140 yards long by 35 yards wide; it is enclosed on three sides by the officers' quarters, cooking and baking-houses, and yards containing dormitories and separate cells. The men muster four times daily; viz., at 5, a.m., for prayers; after which they proceed to their various daily occupations; at a quarter to 8, a.m., they return to breakfast; at quarter to 9, they muster again in working parties; at 12 o'clock, they return to dinner; at 1 o'clock, they muster again for work, at which they continue till 5 p.m., when they come in for supper; after which, at 6 o'clock, they assemble for prayers; the Protestants in the muster-ground, the Roman Catholics in the barrack-yard.

The rooms in which the men are lodged are in yards enclosed by walls about 14 feet high. The buildings, with the exception of one mess-room, are constructed of brick; the floors are boarded.

The mess-room, 84 feet by 40 feet, is lofty and well ventilated; it is furnished with 20 tables, 15 feet by 3 feet, and 40

forms, all substantial, and made by the convicts of the wood of the island. Round the walls are fixed racks for the pannicans and plates, and 20 boxes, 2 feet by 1 foot, with locks, in which are kept the knives, forks, and spoons, presenting a neat appearance: 400 men can dine conveniently at the tables. All the men, not under separate treatment, take their meals in the mess-room, which is also used as the school-room and chapel for the Roman Catholics. During wet weather, and when unemployed, the men occupy this room.

The general dormitory is 180 feet long, 22 feet wide, and about 12 feet high; its arrangements have been already described.

The wash-house, cook-house, and bake-house are large rooms, provided with all utensils necessary for 800 men. The store-room and watch-house are substantial and suitable buildings. The officers' quarters are neat brick cottages, whitewashed, each containing two rooms and kitchen, with a small garden attached.

One hundred and five separate cells, boarded, are now completed, each nine and a half feet high, nine and a half feet long, four and a half feet wide. Ninety-nine others are being built of brick, with glazed windows in iron frames, well ventilated, and lighted so as to enable the inmates to read. There are sixteen solitary cells, perfectly dark, nine feet high, eight and a half feet long, four and a half feet wide, and furnished with tablets for communicating with the attendant officer, and traps in the doors for introducing provisions.

The number of men in the station is 370, all in the first stage of probation and direct from Great Britain and Ireland. Two hundred and seventy-two are employed in agriculture and building, the remaining 78 are engaged, as servants, wardsmen, water-carriers, watchmen, tailors, and shoemakers. Eight are in solitary cells, four sick in hospital, four convalescent, and four new Zealanders.

The establishment has been under the direction of Mr. Lapham, superintendent, from the formation of the station in

August, 1842. Mr. Lapham is a person of a benevolent disposition, singularly mild and unassuming, and has displayed much activity, diligence, and energy in the many years of his direction of the station.

Complete harmony exists between Capt. Bailey the magistrate, and the superintendent, evinced in mutual co-operation for the advantage of the convicts; both officers afford their full support to the religious instructors in encouraging the attendance of the men on their ministrations as well as at school.

An assistant-superintendent and two overseers are attached to each of the three classes, into which the convicts are divided, in addition to whom are three assistant-overseers in charge of the men when in barracks, and an assistant-overseer of agriculture, making in all 15 free officers, of whom six were formerly serjeants in the army.

During six years the superintendent never has had occasion to bring any of the officers to trial for misconduct. But few of the men are above forty, and only three under twenty years of age. The youngest are taught trades most useful in the colony, and all are employed at agricultural labour. At five, a.m., the men marched from the dormitories under their overseers to the wash-house, a large building with a stream of water from the creek running through it. Two hundred and eighty men were present, 100 at a time washed themselves, were shaved, and changed their shirts, the whole process occupied half an hour, and was performed with regularity. The whole body then proceeded in parties, under their respective officers, to the muster-ground, where being drawn up and their names called over, the Roman Catholics marched to an adjoining yard, where prayers were read by their religious instructor, while the same duty was performed to the Protestants in the muster-ground. The prayers occupied about five minutes. The men were then told off into working parties, and proceeded, each party under an officer, to their respective occupations of sawing, brick-making,

quarrying, carpenter's-work, building, labouring in the hop-ground, reaping, thrashing, shoemaking, tailoring, &c. At eight, the parties returned to breakfast.

The quality of the provisions seemed excellent. The meat is weighed by the assistant-superintendent both before and after being cooked. There has not been a charge of pilfering for the last six months. The conduct of the men at meals was very orderly; the strictest impartiality prevails in the distribution of the messes; grace was said by the officer on duty.

The school-room is 80 feet long and 40 feet wide. One hundred and thirty-two Protestants were present receiving instruction, of whom 127 were able to read, more or less. The Roman Catholics are taught on the alternate evenings; the party not receiving instruction, remained seated at tables in one end of the school-room reading during the school hours, which are from 6 to 8, p.m., on each evening except Saturday. The religious instructors attend on their respective evenings; overseers preserve order in the school-room, which is visited by the superintendent and assistant-superintendent. The men who do not attend school generally, are either old men, or persons able to read and write. The books seemed of a satisfactory description, and the school generally well conducted.

The hospital seems in an exposed situation; it contains several wards, in which were two or three sick persons, who stated that they were carefully attended and regularly visited by the religious instructor. The hospital seemed to be dilapidated, and the water-closets were very defective. In addition to that at the hospital, there are four of these buildings in the station, to which the men have access by permission of the officer in charge of the yard, but their construction and arrangement are very unsatisfactory,

The general regulations and discipline of this station agree with the reports of the government, that it is incomparably better conducted than any other of the probation parties. This

may be attributed, in some degree, to its advantageous position in an island prohibiting escape and communication, and to the adoption of internal supervision in the dormitory, but the orderly, cheerful, submissive and industrious conduct of the men is the result of the moral influence of the superintendent.

The men in the separate cells on being visited were found to be sleeping quietly, they stated that they were perfectly comfortable and had nothing to complain of.

Several prisoners were under punishment in the solitary cells for various periods, from 3 to 30 days, according to their offences. The cells were free from unpleasant smell, the men being removed to fresh cells daily. They seemed to regret their misconduct, and to feel the severity of their punishment. The ration of each man is one pound of bread, daily, with water, and the effect of confinement and scanty food was visible in the appearance of those who had been imprisoned for any length of time.

The men in solitary cells, wash themselves every morning, after which they walk for an hour under inspection of an officer, by whom all communication among them is prohibited.

The general appearance of the men is healthy and robust, but rather forbidding in the expression of their countenances; about half of them are Irish, who arrived in March, 1847, by the ship "Tory," the remainder arrived from England, in the "Pestonjee Bommagee" in February, 1847. They were designed for Norfolk Island, having been transported for heavy offences, and with long sentences. No quarrels have taken place between the Irish and English.

Very few strangers visit the island, which is about thirty miles in circuit, and nine miles from the main land. Escape from the island is impracticable, those who attempted it on rafts having perished. A heavy sea runs in the channel, rendering the passage at all times dangerous, and occasioning more than

once the loss of the large government whale-boat, which carries the mail. When any of the prisoners have escaped from the stations into the wood or bush, the only measure necessary to be adopted, was to prevent any of the men taking food out of the barracks, and the absconders were soon obliged by hunger to return, as the bush affords nothing eatable. There are no settlers or farmers in the island, which is the property of Government.

CHAPTER XIX.

PORT ARTHUR.

There were 562 men at this station, all under second sentence for crimes committed in the colony, to imprisonment at this station for various periods from 18 months to five years; the average time during which the men now at Port Arthur had been at that station was about two years.

Mr. Champ has been for four years commandant at this station and those of Impression Bay, the Cascades, Salt Water River, and the Coal Mines, all of which are in the same peninsula. Mr. Champ is generally esteemed an officer of much determination and of high honour, being considered by the officers of the peninsula to be above the practice of secret reports and underhand proceedings.

Mr. William Carte has been superintendent for 15 years, having had the management of the station under circumstances of the greatest difficulty, being required to preserve order and discipline, and to execute a great deal of work with a most inadequate supply of officers. In 1846, there were 1,112 prisoners at Port Arthur, and but 16 free overseers; in 1847, there were 1,220 convicts and but 17 overseers, or less than one overseer to 70 men. Mr. Carte has had the testimony of all inspectors, visitors, and preceding governors, commandants and comptrollers-general, to his zeal, activity, and good

management, but has been discharged from the convict service subsequently to my visit to the station, without retiring allowance or compensation, on the ground of his office being no longer necessary, in consequence of reduction in the number of men at the station, but has had the mortification immediately after of seeing his situation filled by another officer of only a few years standing in the service, but of superior interest and higher family connections. This statement, derived from Mr. Carte, is believed to be strictly true.

The free overseers at present amount to 19; the clerks and storekeepers, &c., to seven. Twenty-five twice convicted criminals are employed as watchmen and gate-keepers. It is believed that these are of the worst class of convicts, termed the flash-men, and that they hold their appointments by consent of the men, on the secret understanding of tolerating their crimes and neglect of work.

Thirty-nine men were employed digging and at agricultural labour, 25 in four boats, under charge of two free and two convict overseers; sixteen are in solitary cells; 159 at various mechanic trades, 49 are servants to the officers, and 223 in the service of the station.

Seventeen men were at work in the blacksmith's shop, which is about 80 feet long by 30 broad, and furnished with all necessary implements. The furnace is capable of casting five tons weight of iron in one piece, and brass frames of one cwt. The peal of bells for the church were cast here. Six forges were in full operation. The overseer reported that the men work satisfactorily. Iron work for all the government buildings and probation stations is wrought here.

Forty-nine men were employed at shoemaking in a shop 80 feet long by 30 feet broad. Shoes are made for the officers, military, and men at Port Arthur and other stations.

Twenty-six carpenters were at work in a large shop, making various articles, and house-work for the station. When there are men to spare work is done for other stations.

Nineteen gangs of from six to thirty men in each are at various works about the station ; twelve gangs are under free overseers ; seven gangs are under prisoner-overseers, chosen from among the other men, the overseers take them to and from their work, and superintend them while at it. The acts of insubordination and resistance to the convict-overseers are frequent, and sometimes lead to the commission of violence and murder.

The cook and bake-houses are large, and well supplied with ovens and boilers ; eight convicts are employed as cooks, four as bakers. The bread and provisions appeared very good ; five men wash for the whole station in a large wash-house 40 feet by 30 feet.

The church is a handsome building externally, in the shape of a cross ; the interior is dirty, damp, and mildewed. It is 150 feet long by 70 feet broad at the transept, with a lofty spire. There are benches for 1000 men, and pews for 200 officers or soldiers. About 300 prisoners attend and 100 officers and their families with 50 soldiers. There are two services on Sunday at 11 and 3 o'clock.

The school-room is 70 feet long by 28 feet broad ; it is used also as a chapel by the Roman Catholic minister. One hundred and nineteen men were at school Protestants and Roman Catholics ; after muster, at a quarter to 7 o'clock, the men who are so disposed attend school, the remainder go to their huts to sleep. There are 111 men at the station not able to read, 29 can read only, 20 can read and write, 123 can read, write, and cypher ; school continues for an hour and a half ; there is one free schoolmaster and 20 convict monitors.

The hospital has four wards with about 18 beds in each and several small rooms. There were 53 patients in hospital ; a prisoner wardsmen has charge of each ward ; there are two surgeons at the station, Drs. Graham and Blyth. The account given by the latter of the prevalence of dreadful vice among the men in the huts was awful, and not to be repeated ; but from other testimony and admissions I am convinced that it was not exagge-

rated. There were several cases of condylomata within the last year, but this disease the men easily cure by application of a remedy which is often found with them.

Eighty-one men sleep in solitary cells, 40 servants sleep in their masters' quarters, thirty-six sleep in hospital, the remainder sleep in huts, of which there are 28, containing 720 berths; 18 huts have 30 berths each, the remaining 10 huts have 18 berths each. There are 140 separate cells; the berths in the huts are in two rows, one over the other, each berth is about 20 inches wide, and is separated from the adjoining berth by a board placed on its edge, which rises four or five inches above the bed clothes. The doors have holes for inspection, through which, when the lamp is burning well, a portion of the interior may be viewed; but inspection is dangerous, a stick having lately been poked through from the inside into the eye of the officer on watch. A prisoner wardensman is supposed to preserve regularity inside, but there is only one opinion of the dreadful vice practised by all, and seen by all in the huts. The inspection of the huts visited in the middle of the night was revolting and shocking, the same impression of silent horror pervaded myself and several who accompanied me. A watchman is stationed in the yard, but his presence is admitted to be only a pretext.

There were 14 men in solitary confinement in punishment cells, very confined, and of imperfect construction. Several of the men had been three or four months in solitary confinement on half rations, their aspect was very pitiable; two of them could not be allowed out of their cells, as they declared that they would commit a murder on the first opportunity. They confessed this intention to myself. Such an example of men changed into monsters was seldom to be seen, and yet they were objects of the deepest pity, being victims of a combined unmitigated evil influence which humanity could not resist. Who can tell what compulsory pollution, what engrossing vice they may have endured, beholding all that is execrable, breathing

air tainted with corruption, and surrounded with fiends whose delight it is to drag all near them into the same abyss of wickedness? Is it wonderful that men who have gone through years of such contagious association should abhor themselves, and every creature of their own species, and be impelled by the darkest despair to seek revenge and self-extinction in murder?

There is not one building at Port Arthur inhabited by convicts, which is built of brick or of stone; all the huts are weather-boarded, close, decayed, and incapable of being fitted up with proper berths divided by partitions. The store is a very large cut stone building. Some of the officers' quarters are large stone houses. The tower of the church has as much stone in it as would build a dormitory for all the men. The police office is a fine stone building, yet the dormitories of the men have been allowed to remain in their original wretched condition. Positive statements were made by several officers, at the hazard of being deprived of their situations, to Mr. Pitcairn and the public, of revolting vices habitually and openly practised in the huts, and their declarations were confirmed by the testimony of witnesses to a murder at Port Arthur, who made a shocking revelation in the supreme court, by which the whole colony was horrified; yet the huts remained in the same condition, and as if to exhibit the excess of disregard for the convicts, although there is a barrack for the soldiers, built of brick, and in the opinion of the commandant, and in the judgment of every one who saw it, quite sufficient for the accommodation of the soldiers; within the last twelve months, a new and ornamental military barrack of cut stone has been erected, 90 feet long, by 20 feet broad, surrounded by a long and high brick wall. The amount of work expended upon this barrack, in the opinion of a competent judge, would have erected substantial stone dormitories for all the prisoners at the settlement.

On my return to Hobart Town from the peninsula, I wrote to the comptroller-general's office an account of the sleeping huts, and a report of the shocking condition of the men; above

two months after the receipt of my letter, I was informed that the number of prisoners at Port Arthur would be reduced; when I left the colony the sleeping huts were in the same state in which I saw them.

It is very distressing to make so painful a statement, which I am induced to submit to the Government and Legislature, in the hope that immediate and effective measures may be adopted to put an end to a system so fraught with enormous evils, and which I fear will be continued for years to come, if the most positive orders for its extinction be not issued.

It is utterly hopeless to expect under existing circumstances, substantial and effectual reform in the treatment of convicts in Van Dieman's Land, all the principles and habits having relation to the convicts are unsound and perverted; the only means of stopping the contagion is by the immediate breaking up of the system and the gangs.

I am bound to state, that as regards the sleeping huts at Port Arthur, the commandant and Mr. Carte seemed to feel and lament the fatal consequences of shutting up men in such dens. The former stated that he had frequently represented the condition of the dormitories, but without any effect. Mr. Champ when comptroller-general, in his report of August, 1846, states, "The buildings are of wood and of a temporary nature only, having been erected from time to time as the number of the prisoners increased." "The men mess in their sleeping-rooms, which are not sufficiently large even for dormitories." New buildings for the reception of the convicts are absolutely necessary, and a plan for a penitentiary is now under consideration, the materials having been some time in course of preparation."

Two years after this report, the men were in the same huts, numerous buildings having been erected at the station, and an immense amount of work in wood and iron done for the government and engineer office, by the prisoners at Port Arthur, in the intervening time.

CHAPTER XX.

COAL MINES.

This station is built on a sandy hill incapable of producing crops or vegetables. The number of men, in the year 1848, exceeded 400. The free discipline officers are, one superintendent of station, one superintendent of mining operations, four assistant-superintendents, and eight overseers,—total, 14, or one officer to above 30 men. There are 24 prisoner watchmen, six of whom are paid, and three prisoner constables. The working of the men in the coal mines requires a greater proportion of officers than the labour at the other stations.

Mr. Skene, the superintendent, one of the oldest and most highly esteemed officers in the convict service, has been lately appointed to this station, as requiring the greatest activity and judgment in its management.

I descended into the mines accompanied by Mr. Skene, being let down in a bucket, the shaft is 303 feet deep. On reaching the bottom, we would have been in complete darkness but for the lights borne by some men who descended with us. We groped our way with difficulty along passages which are said to be five miles in length. The roof in many places is so low, that we were obliged to creep along the passage beneath it. The air was so confined and the damp, that our lamps could with difficulty be kept burning, and several of them went out.

A few lamps at long intervals were attached to the walls, but seemed only like sparks glimmering in the mist, and not many yards from them the passage was in perfect darkness. There were 83 men at work in the mines when I visited them, the greater number employed in wheeling the coal to the shaft to be hoisted up. They worked without any other clothing than their trousers, and perspired profusely. *The men in the mine were under the charge of a prisoner-overseer, and a prisoner-constable.* Nothing could be more evident, than that it was utterly impossible for them, even if willing, to exercise any supervision over the men in the mines. Few free persons have ever ventured down; the chaplain, who has resided several years at the mines, has never been down in them. Having had full evidence of the deeds of darkness perpetrated in the mines, I contemplated the naked figures, faintly perceptible in the gloom, with feelings of horror. Such a scene is not to be forgotten.

Mr. James Hurst, the superintendent of the mines, who has been seven years at the station, fully, but reluctantly, confirmed the fearful reports of the iniquity of the men in the mines. He stated that two men, if most zealous and trustworthy, could never superintend the party at work. He has reported that he cannot answer for the conduct of the men unless ten free married overseers be appointed. He expressed himself to be perfectly aware, that the men in the mines were in the habit of committing shocking crimes, and that there were no means of putting a stop to their evil practices. The two prisoner-overseers dare not notice or report the vices of the men, and a very general opinion prevailed among the religious instructors and medical officers, that the convict-watchmen and overseers were themselves as criminal and corrupt as the men. The chaplain, sometime previously, in reply to an inquiry from the late comptroller-general, stated, that in temporal matters, he was well; that as regarded his ministry, he felt that in addressing men addicted to such dreadful vices, he was but "preaching them into hell." He expressed his conviction that

the whole of the men were equally criminal, and mentioned examples of prisoners who, on their arrival, having been warned by him against the prevailing vice, came the next day with tears, to state that they had been compelled by the rest to submit to their evil practices. All such men had soon become as corrupt as the others.

The men sleep in huts about twenty in each; a prisoner in each room has charge of the lamp to keep it burning during the night. A prisoner-watchman is employed walking through the yards. The general size of the huts is 26 feet long by 20 feet broad, and 12 feet high. There are two rows of berths along the walls, with three feet six inches distance between the upper and lower tier, in eight of the huts partitions have been put up between the berths; in four of them the beds are separated only by a board. There are 108 separate cells; there are 36 solitary cells. There were 16 offenders confined in them.

The chapel is a wretched building, capable of containing but half the gang; the men are crowded together so as to be almost unable to move. The nature of the work in the mines rendering the men wet, filthy, and fatigued, prevents a general attendance at school, which here, as at other stations, is voluntary; those who refuse to attend, walk up and down the yards conversing, or assemble in parties in the sleeping huts, without being in charge of a free overseer. This is plainly holding out an inducement to the idle and ill-disposed to remain absent from school, and spend the time in evil communication.

The observation respecting the buildings at Port Arthur is applicable here—piers, barracks and stores having been erected while the sleeping huts were disregarded.

On returning to Hobart Town from the coal mines, I reported to the comptroller-general's office the condition of the men, earnestly praying that the number of free overseers, required by the superintendent of the mines, might be appointed, and internal superintendence kept up in the huts at night, or that the station might be given up. After a lapse of some months,

I was informed, in answer, that the men would be withdrawn and the mines let, which was done nearly a year subsequently.

The following observation from Mr. Latrobe's report of May, 1847, is an example of the little dependence to be placed on reports, even of able and well-intentioned men, who do not possess personal experience, and who judge from outward appearance:—"Upon the whole, the state of this important station was judged less unsatisfactory than had been anticipated; though it was evident that greater vigour was required in the general superintendence."

This remark would certainly quiet any solicitude in the mind of the Secretary of State, on the subject of crime among the men, and would justify the complaint of the Home Government, that the "reports respecting the moral aspect and operation of the probation gangs have been uniformly and singularly meagre, being touched only in rare and slight allusions, which did not impart that there was anything to deplore in the system."

Several months previous to Mr. Latrobe's visit to the mines, communications had been addressed by Mr. Pitcairn and myself to the Secretary of State, depicting the dreadful condition of the men: our reports were subsequently confirmed by medical statements and examinations, and were confessed by the convict authorities themselves; and the least inquiry from the superintendent of the mines, or from the medical and other officers, would have left no doubt on the mind of the inspector that nothing possibly could be more unsatisfactory than the condition of the men.

In his general and able report, Mr. Latrobe states, that he had become satisfied that the vice practised in the probation stations "did exist in various forms," and that "in spite of all the superior arrangements of the system, vice of every description is to be met with on every hand, not as isolated spots, but as a pervading system."

It is a fact confessed by all, that the coal mines was the very centre of this pollution and iniquity, prevailing in the greatest

excess at the time of Mr. Latrobe's visit. Mr. Latrobe's remark, that the station was less satisfactory than had been anticipated, though it was evident that greater vigour in the general superintendence was required, would naturally lead the reader to suppose that greater vigour of superintendence (which meant a change of superintendents) would render the station entirely satisfactory, an opinion in opposition to Mr. Latrobe's general statement, and one likely to lead to the publication of the most shocking evils.

The present comptroller-general, in his report of May, 1847, of the same date as that of Mr. Latrobe, states, "There is too much reason to believe . . . crime has prevailed extensively amongst the convicts, more especially at Norfolk Island, and I greatly fear is not eradicated either there or here; but in both it can and will be put a stop to. . . . Previous to leaving England I submitted an opinion to the Secretary of State, that crime of this description could not be prevented in the coal mines. However, a visit to the underground workings has convinced me nothing of the kind can be carried on with the existing arrangements for lighting and watching." This statement, compared with the foregoing report of the mines and huts, made above six months after this representation, will excite astonishment, and give rise to many conjectures. I am utterly unable to account for a statement so adverse to observation, report, and the general belief, as well as to the subsequent abolition of the station itself. Experience of the facility of receiving statements and impressions, and on their credit of making reports consonant to interest and inclination, diminishes surprise at any representation; nor is it probable that the real condition of the men in the mines would have been admitted and confessed, and the station broken up, had not the chief commissariat officer declared that working the mines by convicts was unprofitable, and to let them would be more productive.

In May, 1847, the comptroller states, that "nothing of the kind (no criminal vice) can be carried on with the existing

arrangements for lighting and watching; that is, with two prisoner-overseers to from 80 to 150 men in five miles of passages, and with lights which would not burn from the damp and want of air at intervals, leaving long passages in total darkness." The same report states, that arrangements for separation and supervision will prevent such practices. Six months after this report, Sir William Denison truly declares "there is not a single station in which the buildings are in an efficient state, either as regards arrangement or construction;" and, he adds, that they are likely to remain so.

CHAPTER XXI.

SCHOOLS AT THE PROBATION STATIONS.

The schools at the stations are useful as keeping that portion of the men who attend them out of evil. In 1847, there were but six schoolmasters to above thirty stations, or parties of prisoners containing above 12,000 persons. This fact, in itself, manifests that the school instruction was only nominal. In the convict station at Portland, with 560 men, there are three schoolmasters; a similar proportion of instructors would give 65 schoolmasters to the probation stations in place of six. The results in this disparity must be obvious; its causes are not so easily assigned.

In a very few schools, there is some appearance of attention and study preserved by the exertions of the religious instructors, and by their gratuities to the convict-monitors; but the system is imperfect and unavailing. To attempt communicating in three hours a week, a knowledge of spelling and reading to adults, ignorant of the meaning of the words they with difficulty pronounce, is a fruitless labour, the traces of which soon disappear, and but little effort is made in the schools to impress principles, or commit to memory valuable moral sentences, the best way of instructing the old and ignorant.

CHAPTER XXII.

DORMITORIES OF THE PROBATION GANGS.

The sleeping huts of the men at Darlington, Port Arthur, and the Coal Mines, have already been described.

At the Prisoners' Barracks, Hobart Town, the men sleep in a number of houses containing eight or twelve rooms on three floors; the doors are kept open during the night, and an overseer on watch walks up and down stairs, and into the rooms of each building.

At Port Arthur, the boys make sacks of their blankets and rugs, into which they contrive to wriggle themselves, and sleep on the floor, 247 in one room. The ages of these so-called boys are from 16 to 22 years.

At the other probation stations the men were locked up in huts at night without internal supervision of free officers; in some, upwards of 100; in others, not more than six prisoners were confined in one room at night; at Rocky Hills, the men slept in a great number of rooms, 12 in each. Visiting the dormitories unexpectedly at night, nothing could be more offensive and oppressive than the closeness and smell occasioned by so many men crowded together without proper ventilation or necessary accommodation, and by the lamps burning without funnels.

With the exception of Darlington possessing internal supervision, the sleeping huts were essentially in the same condition they were in when the prevalence of crime was discovered and made public, and in the opinion of surgeons of stations, the criminal practice was still prevalent, as the opportunities for committing it were still certainly existing.

CHAPTER XXIII.

MORAL CONDITION OF THE MEN IN THE PROBATION GANGS.

It is not necessary to repeat the evidence of the Bishop of Tasmania, and of other well-informed inhabitants of the colony, who bore testimony before the Parliamentary Committee of the prevalence of crime in the probation stations. Several passages from reports have already been referred to, exhibiting the unmitigated evils of the probation gangs.

The letter of the Rev. Mr. Naylor, late chaplain at Norfolk Island, and the report of Mr. Stewart, both published in the Parliamentary Papers on Convict Discipline for 1847, convey a faithful description of the state of vice and pollution prevailing, not only in that island, but at the probation stations.

The testimony of men to the demoralization of establishments to which they owe their situations, or great part of their salaries, as is the case in regard to the governors of Van Dieman's Land and comptroller-general of convicts, cannot be deemed excessive, although it may justly be suspected of falling far short of truth.

Mr. Latrobe states, "Excessive idleness, nourished by a variety of circumstances, has become as characteristic of the gangs, as it was probably the original cause of crime to the

majority of the prisoners within them. In spite of all the superior arrangements of the system, vice of every description is to be met with on every hand, not as isolated spots, but as a pervading stain."

"The majority of the men, unfitted by habits and vicious indulgences of the gang, to betake themselves to steady employment, entailing self-restraint or denial, avail themselves largely of the privilege they hold of constantly changing their master." "The probation system, so called, has been a fatal experiment so far as it has proceeded, and the sooner it is put an end to the better for the credit of the nation and of humanity."

In the comptroller-general's report of May, 1847, the same date as that of Mr. Latrobe, the prevalence of crime is admitted, and it is confidently asserted, that "it both can and will be put a stop to." The writer says, "he does not think the moral condition of the men has been much, if at all, improved in the probation gangs." He states, that "at this moment there is not a complete station in Van Dieman's Land, and that temporary buildings were run up for the probation gangs." He notices the "many imperfections of the present buildings, and the great scarcity of mechanics," and yet he says "with the existing buildings, and the additions which could be made in one year, there would be little difficulty in annually receiving 2000 male convicts in Van Dieman's Land."

What opinion can be formed of these contradictory statements, and of the just and condemning cotemporary statement of Mr. Latrobe? The comptroller-general recommends the continuation of a system, which he is compelled to confess has caused horrible pollution and depravity, and before he has any reason to suppose that the vice has diminished, or been suppressed, or that he has suitable buildings for a single party, he calls for 4000 men to form ten more probation gangs in two years, and continue a system of which, in the words of Mr. Latrobe, the credit of the nation and humanity call for the immediate abolition.

The present lieutenant-governor, in a dispatch, written six months after that of the comptroller-general, does not incur the reproach of recommending the continuance of a system which he states to be productive of evil and demoralization; he says, "Your lordship will see that the comptroller-general is of opinion, that 2000 male convicts might be sent out annually and the probation system carried out as regards that number to a modified extent. I cannot, however, agree with him in this opinion; there are many reasons which render a further trial in this colony very unadvisable."

Indeed, it is surprising how it could have been supposed that any representation would induce a Secretary of State to maintain the enormous expenditure of the Probation and Commissariat Departments for 2000 convicts. Were the present outlay of £250,000 reduced to one half, the annual expense for each of the 2000 convicts would be above £60, beside the cost of transportation.

Sir William Denison states, as the result of his inquiries, that "the convict generally issues from the probation station a worse man in every respect than when he entered it, and that any impressions made by the religious instructors on their feelings were short lived, even if real."

A more decided condemnation of the system could not be given, and the only subject of surprise is, that the writer did not, with Mr. Latrobe, in the name of humanity, call for its immediate abolition.

When the communications to the Home Government, and the public outcry compelled a nominal inquiry into the prevalence of vice in the stations, the medical officers were called upon to report the number of persons suffering under the disease occasioned by the prevailing vice, about one-half were unable to detect the disease, the other half discovered it in their stations, from one to twenty cases in each. The reports of the surgeons were set forth as a triumphant refutation of the charges of crime in the gangs; but never was a greater deception, never

was so fearful an evil so lightly treated. From the nature of the disease but a small proportion of those who were guilty of the vice were exposed to the malady. The disease itself was so difficult of discovery that several surgeons pronounced it impossible to detect it, and at the same time was so easy of cure, that a simple application, well known to the men, was a common and general remedy. The subject of surprise is, that it should have been discovered in so many cases; and the existence of the malady in so many stations, is a distressing evidence of the prevalence of the vice. The reports of the surgeons are referred to, as if none were guilty save those who were diseased; whereas, as the surgeons observe, the practice of the crime might be general, and not one of the guilty be affected by the disease. The malady should be regarded as evidence of the vice which causes it; in the same manner as delirium tremens, or a more similar disease, are evidence of habits of inebriety or incontinence; those who are affected by these diseases being examples of excessive indulgence of the vices from which they originate. What must have been the general pollution of those who at least were in the habit of witnessing such vices? The condition of these unhappy men is such as to excite the most indignant reprobation of those who would tolerate the continuance of the system which produces it, and yet all the reports and representations on the subject are palliations and apologies, excuses or feigned denials, with the exception of the letter of Mr. Pitcairn, who is termed a "fanatic" by a colonial authority, on account of the strong expression of his horror and indignation that human beings should be made victims of such abominations, and of his resolution to bring the subject before the Home Government and the public.

Another ground on which the prevalence of this vice has been denied, is, that few men have been charged with it, or punished for it at the stations; but a vice practised in secret, and exposing the criminal to death, is not easy of detection; besides those guilty of this vice are generally charged before

the magistrate as being "disorderly." Riding one day in company with the visiting magistrate of a station, we passed a party, at work on the road; the magistrate asked the overseer if there were any men to be brought before him at his next visit? The overseer replied, that there were two, who were taken in commission of the prevailing crime. Charge them, said the magistrate, as disorderly, in being absent from work, and in the same cell. This was the only occasion in which I ever was present with a magistrate in the discharge of his duty, and was not a single case and exception to common experience. The whole communication appeared as a matter of course. It follows, then, that in Van Dieman's Land this offence has lost its enormity from frequency of commission, and is regarded as being merely disorderly conduct, less severely punished than theft or disobedience.

I could repeat several circumstances, which were communicated to me by surgeons and religious instructors, showing the dreadful prevalence of this vice, but I dwell on this subject with the greatest reluctance, and only in the anxious hope of inducing the Government immediately to abolish the probation system which engenders it in Van Dieman's Land, and from which it cannot be detached, for it will be continued from man to man as long as a station is kept together.

The number of punishments inflicted at the stations is evidence of the amount of crime. In the year 1847, at the coal mines, 728 men were punished by the superintendent with solitary confinement, on bread and water, and 672 were flogged, sentenced to chains, or to solitary confinement by the magistrate. At Rocky Hills' Station, 363 were punished by the magistrate, and 378 by the superintendent. At the Cascades' Station, 237 were punished by the magistrate, and 164 by the superintendent. At Impression Bay Station, 234 were punished by the magistrate, and 104 by the superintendent. At Salt Water River Station, 310 were punished by the magistrate, and 271 by the superintendent. At Darlington Station,

94 were punished by the magistrate, and 224 by the superintendent. At Port Arthur, 668 were punished by the superintendent, and 572 by the magistrate; among the latter were eight men tried for the prevailing vice, but sentenced for disorderly conduct, and 32 who were sentenced to separate treatment on account of the same crime. In other stations a number of men, sometimes exceeding 20, were kept in separate cells, from being guilty of this vice, but were allowed to associate and work with the other men during the day, and after a few months were sent back to the huts. At Impression Bay, with about 400 men, and 11 free officers, or one to 40 men, there were five prisoners tried within the year for the prevailing vice, and when I visited the station, 39 were kept in separate confinement at night, from their having been in the habit of practising it. I was unable to obtain a return of the men similarly circumstanced at the coal mines.

Twenty-two thousand, seven hundred and twenty-two lashes were inflicted on 516 men in the year 1846. Of the men at the Cascades, seven had been transported from England for the crime prevalent at the stations. At Darlington, the superintendent states, "In examining the record of the convicts forwarded to this station, direct from England, by the "Pestonjee Bommagee," in February, 1847, I was amazed to find, that out of 193 prisoners, 33 were transported for . . . crimes or rape, and I was apprehensive that so large a proportion of men of lewd disposition and ungovernable passions would contaminate the whole gang." I was not able to get similar information respecting the men in the other stations; but this is enough to show that the crime does not originate in the gangs, and that it is to be apprehended and guarded against by every possible precaution. Were the officers in Van Dieman's Land increased four or five fold, so as to bring them to the proportion of officers to prisoners in the English prisons, and were the prisons constructed on the best principle for supervision by day and night, both which would occasion enormous expense, I do not believe the vice would be eradi-

cated from the stations, so deeply is it rooted and extensively practised among the men, and so difficult is it to be detected, and so easily practised without discovery. The only remedy is the immediate dissolution of the gangs and dispersion of the prisoners, to regain the natural feelings and passions of men.

In 1844, out of 26,972 convicts, 11,673 were brought before district police-magistrates, charged with offences. In 1845, out of 28,924 convicts, 11,167 were charged with offences. In 1846, out of 29,870 convicts, 9,641 were brought before magistrates. In addition to these were a vast number of offences prosecuted before the superintendents and visiting magistrates of the stations, causing an apparent diminution of public trials for crime in the two last years. Of the immense number charged before the magistrates, very few were innocent. Numberless crimes go unpunished, the masters being wearied with prosecuting the convicts in their employment, and unwilling to waste time in attending at police-offices. The general feeling is that all are alike guilty, and that to send them back to the punishment gangs is only to make them worse without punishing them, or deterring them; hence crimes and vices go unpunished, and the greatest license is allowed to the men, in order to induce them to do any work at all, and not destroy their masters' property.

CHAPTER XXIV.

DIET AND WORK AT THE PROBATION STATIONS.

The rations at Darlington, which are the same as at the other stations, are 2 lbs. of bread, three quarters of a pound of meat, 1 lb. of potatoes, 1 pint of soup, and 2 pints of gruel daily. The lieutenant-governor finding that many men were punished for smoking, and that the men were not able to eat 2 lbs. of bread a day, ordered that the bread should be reduced, and tobacco allowed in lieu of the reduction, so that smoking is now allowed at the stations. Many of the colonial settlers, who suffer from the idleness and insubordination of the convicts, complain that the indulgences of the station unfit the men for service. Mr. Latrobe states, that "idleness has become the characteristic of the gangs, and that the majority of the men are unfitted by the habits and vicious indulgences of the gang to betake themselves to steady employment, entailing self-restraint or denial." This remark was before the indulgence of tobacco. The present lieutenant-governor states, "That at most of the stations some agricultural work is performed, and an attempt is made to raise some small portion of the food required for the sustenance of the men, but, generally speaking, the labour has been so misdirected, that the amount of work performed, as compared with the number of hands employed, *is most extraordinarily small.*"

The treatment of the women has long been deemed by the colonists a violation of reason and justice, in direct opposition to the interests of the community. The depôt into which they are received, when discharged from their services, is a scene of feasting, complete idleness, and vicious indulgence. The women are occasionally let out into the town, and have free communication with their associates. When they bring forth illegitimate children they are received into a nursery, where they live on the same abundant fare, and with nothing to do but nurse their infants; as soon as the children are of proper age, they are sent to the Orphan School, which should be called the school for the illegitimate children of the convicts, and the mothers are dismissed to repeat the same expensive course of conduct.

It is perfectly notorious and indubitable, that the common practice of the convict women is to get into service, in order to obtain money by theft or prostitution, and return to the depôt to spend it with their associates. The natural consequence is, that they are utterly insubordinate and lead most flagitious lives, refusing to stop in any place where a restraint is put on their vices, plainly telling their masters that they infinitely prefer the depôt—the scene of jollity and every evil communication.

In one single establishment was a better state of things maintained: on board the “Anson,” in which the women on their arrival in the colony were confined for a limited period, Mrs. Bowden, the energetic and conscientious superintendent, maintained a respectful and submissive deportment among the women, and laboured, outwardly with success, to impress them with the decency and the proper feelings of their sex. She was regarded with jealousy and suspicion, the “Anson” was manifestly unfit for the active employment of the women, the establishment has since, I believe, been broken up, and Mrs. Bowden has been lost to the colony which so much required her services.

It may seem surprising to persons unacquainted with Van Dieman's Land, that the men in the gangs should thus be per-

mitted to live in indulgence and idleness; but the reason is well known to those who have resided long in the colony. In all the stations, except those in Maria Island, there is nothing whatever to prevent the men from escaping into the bush, and becoming housebreakers and robbers, or what are called Bush Rangers. If the men were compelled to labour, the island would be filled with robbers, as has already been experienced; they are, therefore, allowed to pass their probation sleeping, eating, and going through the form of work, the authorities esteeming themselves fortunate, and the system successful, so long as the vices of the men can be concealed or escape detection, and while no outbreak disturbs the peace of the community.

CHAPTER XXV.

ABOLITION OF THE PROBATION STATIONS.

It is generally understood that transportation has been abolished and the probation system put an end to, but nothing is farther from reality than the abolition of the gang system. In 1845, in consequence of the general outcry of the colonists against the transportation to Van Dieman's Land of all the convicts of Great Britain, Ireland, India, Australia, Canada, and the other colonies, and the destruction to morals and property threatened by such a deluge of criminals, it was resolved to discontinue transportaion for two years.

In a despatch from Lord Grey to Sir W. Denison in February, 1847, commenting on statements forwarded to his lordship, of the evils of the gang system, it is stated, "I have to inform you that it is not the intention that transportation to Van Dieman's Land should be resumed at the expiration of the two years for which it has already been decided that it should be discontinued."

In 1844, the total number of convicts was 29,949, and of those in gangs 12,314. In May, 1847, the total number of convicts was 30,701, the number in gangs was 11,749. The census for 1848, out of a population of 10,164, gives the total of convicts 23,588; total in gangs 9,453. Thus, in the three years, from 1844 to 1847, and during the discontinuance of transportation, the number of convicts had absolutely in-

creased, and from 1844 to 1848, the number of convicts in gangs had only been reduced from 12,314 to 9,453.

It is difficult at first to account for this extraordinary continuation of the gangs, when the supply of men by transportation had discontinued, but a person intimately acquainted with the working of the system lately said to me,—Do you think that where such large salaries, and so much patronage are derived from the continuation of the probation gangs, and where so many officials owe to it their lucrative appointments, it will be allowed to cease? Will not an order to the convict constables at Hobart Town at any time supply a sufficient number of passholder offenders to recruit a gang which has begun to grow thin, and prevent its dissolution?

I am well aware that in repeating such an opinion, if it be a calumny, I participate in its guilt, but the objects of this publication are too important to admit of delicacy, or of refraining from expressing what I believe to be true from apprehension of mistake or offence. There cannot be any doubt of the practice, or of the facility with which the constables can apprehend any number of offenders. The 11,000 convicts annually charged before the magistrates, will afford for many years to come a regular supply of a body of 5,000 to be in the gangs for six months out of the twelve, and the other six months at large to commit a new offence for a fresh turn in the gang. Each new disembarkation of convict-exiles is a rich harvest for the constables, and a supply for the gangs; their money and clothes become the spoil of the former, themselves are consigned to the latter. From a ship, which lately arrived at Hobart Town, a large number of exiles were allowed out to seek for employment, they fell among the old hands in the streets, and the greater number were intoxicated, robbed, and put in prison. The superintendent of the Prisoners' Barracks, at Hobart Town, informed me, that most of the exiles passed through his hands, undergoing sentences of solitary confinement or at the tread-

wheel: such is the fate of those to whom so much care and attention have been shown at Pentonville, or Millbank.

The case of Norfolk Island is a striking example how the well-judged and most necessary instructions of the Secretary of State may be delayed, obviated, and annulled by representations from the convict authorities in the colony.

In September, 1846, Lord Grey directed Sir W. Denison, with the least possible delay, to take measures at once to break up the establishment at Norfolk Island, and withdraw the whole population of that island to Tasman's peninsula, and without loss of time make the necessary preparations for their reception. His lordship had received a faithful description of the system of horrors exceeding belief, and all preceding details of crime, from the Rev. W. Naylor, late chaplain at the island, and in natural reprobation of a system so abhorrent to humanity, ordered instant removal of the men. In November, 1846, Lord Grey wrote to qualify his preceding instructions for the removal of the men from Norfolk Island, referring to the discretion of Sir W. Denison the time of their removal, should their immediate transfer be impossible, or extremely prejudicial; to such difficulties to their removal Sir W. Denison is directed to yield, so long only as they may be found to be really insuperable. In February, 1847, Lord Grey writes to Sir W. Denison, "The system itself of maintaining such a place of punishment for such offenders, at three weeks' sail from the superintending authority, appeared to me radically vicious when I last addressed you on the subject, and these occurrences (a recent outbreak and murder of several officers) do but add to the strength of that conviction."

It was said that the representations of Mr. Naylor depicted the shocking condition of Norfolk Island in 1844, and it was declared that his statements referred to abuses which no longer existed, and that the system had been entirely reformed. An inaccessible island admitted no inspection or examination, and had not rebellion and murder taken place, the same course of

iniquities might have continued for many years, for the instructions of the Secretary, positive as they were, might have yielded to representations.

On the 20th of June, 1846, Mr. P. Stewart, a magistrate of the colony, was sent to Norfolk Island to report on the condition of the convicts; his representations fully confirm those of Mr. Naylor in every particular, representing the state of crime as general and horrifying, and the insubordination of the men as excessive. On the 1st of July following, in consequence of an attempt to introduce order among the prisoners, a general outbreak took place, and three unfortunate officers were murdered. The revolt was suppressed by the military, and the melancholy proceeding of imprisonment, trial, and execution followed.

Mr. Naylor and Mr. Stewart describe the island as destitute of every recommendation for a convict settlement; 1,500 miles from Van Dieman's Land, it is beyond supervision or inspection by the governor and authorities; thirteen degrees nearer the equator than Hobart Town, the climate is sultry and oppressive: "the air is hot, the state of the atmosphere is severely felt by new arrivals, and is favorable to the appearance of dysentery, which assumes an epidemic character, from which few, not acclimatised, escape." The soil is not fruitful: "the growth of wheat has been attempted, but past experience can afford little expectation that it can be attended with success." "The anchorage is insecure, loading and unloading ships are tedious, being effected by boats, and crossing the bar, over which a very heavy surf generally rolls, is attended with great danger, as well from the surf on the bar, as from the intricacy of the passage, to avoid being thrown on a ledge of rocks immediately in front." Water is scarce, and the supply sometimes tainted with impurity; there is no river in the island. The convicts are shut up at night in 22 wards, the largest of which contain 100 men, the smallest 15, they sleep in two rows of hammocks. A convict wardman, chosen by the men, is appointed to each ward, and is said to be responsible for their good conduct. The men go to their work

under prisoner-overseers, and without a free officer being present. Such is the account of Mr. Stewart of Norfolk Island; and the prevalence of dreadful vice among the men, as described by Mr. Naylor, is confessed even by all the convict authorities. After such positive instructions from Lord Grey, and after such a report from an officer sent to inspect the station, it certainly must excite surprise that a body of 500 convicts was still kept at Norfolk Island in February, 1849, and that no intention was entertained of removing them. A commandment, a military, and commissariat establishment are maintained, great expense is incurred in the conveyance of men, provisions, clothing, and stores, and in the occasional visits of a colonial officer to hold a court for the trial of capital offenders, and convicts are still kept in buildings and stations, the scene of vice and pollution beyond the reach of observation or even of inspection. The unhappy convicts themselves have no fair tribunal for trial of the offences for which they suffer death, for the jury can only be composed of their officers.

The preceding statements give rise to the following considerations:—

1st. Where such a shocking state of vice, insubordination, and corruption prevailed in Norfolk Island, from 1844—when Mr. Naylor described it to the end of 1846, when Mr. Stewart gave a similar report—what estimate must be formed of the probability of establishing a reformatory system of moral discipline in Van Dieman's Land?

2nd. How easily the most positive and necessary instructions of the Colonial Secretary may be obviated by representations from the colonial authorities.

3rd. How deplorably dead to the feelings of humanity men may become, by being conversant with the iniquities and sufferings of human beings, and with what little concern proceedings involving both in the highest degree may be continued.

4th. How essentially necessary is it that the inspectors of public establishments should be totally separated from all

connection of interest or credit with the managers of the institutions.

There are no measures proposed by the Home Government, against which objections may not be alleged and difficulties raised, the force of which, from ignorance of the colony, the proposers may be unable to discover or estimate.

In a late report on the improved condition of the buildings in Norfolk Island, designed to obtain consent to the continuance of that establishment, it is said, that arrangements have been made by which the berths in the gaol will be separated and fitted up for one man in each. This statement might lead to the supposition that the men were no longer to sleep in their former rooms; but the gaol is a small building, which can contain only twenty or thirty men.

It might have been replied to the injunction of the Secretary of State for removal of the convicts from Norfolk Island, that there was no accommodation for them in Tasman's peninsula or Port Arthur; but there are many stations throughout the country from which the men have been withdrawn, and which now present the appearance of deserted towns, to which the invalids might have been removed from the peninsula, and so room have been made for the convicts from Norfolk Island.

A pitiable tale was told, I believe with perfect truth, of a number of aged men and invalids, who were summarily ordered to be transferred to the probation station at Impression Bay from the town of New Norfolk, where these poor creatures enjoyed many advantages, and were not wholly cut off from communication with free people. It was deemed advisable that the station at Impression Bay should be permanently maintained, and the invalids were conveyed on a wet and stormy day, many of them on the deck of the steamer, a distance of nearly forty miles. I was informed by the medical officer and the religious instructor, that several of them died, and many suffered severely from exposure to the cold and wet. Had these poor men been left at New Norfolk, the station at Impression Bay might have received the men from Norfolk Island.

But with a slight deviation from the letter of Lord Grey's instruction, the design might have been fully complied with in the most satisfactory manner, by removing the probation men from Maria Island to one of the deserted stations, and transferring the convicts at Norfolk Island to Darlington, undeniably the best adapted station possible for such convicts, being near enough for daily communication with Hobart Town, allowing no possibility of escape, being fertile, and supplied with water, and possessing the best buildings for accommodation of the men.

It is a serious consideration how long the convicts are to be continued under the fatal influence of the gangs,—how long the colony is to be demoralized by the alternate discharge upon the community and re-imprisonment at the stations of men so addicted to dreadful vice, and how long the public of Great Britain will be called upon annually to provide for the continuance of these evils the immense sum of £259,000, as estimated by Sir W. Denison.

The proceeding which I beg earnestly to recommend is as follows:—

1st. That immediate orders be sent to the Colonial Government to grant conditional pardons to all ticket-of-leave holders and probation passholders. This would produce but little alteration in the relation between the men and their masters, labourers whether conditionally pardoned, holding tickets-of-leave, or passholders receiving nearly the same wages, the difference being in relation to their skill and capacity, not to their degree of freedom.

2nd. That all the men under probation receive tickets of leave.

3rd. That the convict department be at once abolished, and the direction of the convicts be transferred to the Colonial Secretary, as was the case before the probation system.

4th. That Maria Island be made the sole place of punishment for convicts under second sentence; that is, for offences

committed in the colony, for the reasons before stated, and because the men can there be compelled to work, and subjected to really severe punishment, without apprehension of their escaping and becoming Bush Rangers. Dormitories according to the plan specified in this work, might be erected at Darlington, Long Point, and other places if necessary. One free officer should be appointed to each 12 men, a diminished scale of diet should be adopted, excluding meat and tobacco altogether. One of the stations should be appropriated to the worst characters, to be closely confined. The military now at Norfolk Island should be placed at Maria Island, and the officers should be nominated from home, from among those superintendents who have merited approbation.

5th. All the convict establishments should be open to the unofficial magistrates; and the visiting justices, chosen by the whole body of magistrates, should inspect and report on all the convict stations and prisons.

6th. The prisons at Hobart Town and Launceston should be appropriated to prisoners under short sentences, and ticket-of-leave men in the condition of English vagrants; these should be taken up when idle, and without visible means of obtaining a livelihood, and be employed at public works in the streets, under direction of the corporation; good conduct should entitle them to a part of their earnings on the termination of their sentences, misconduct should be punished by sending the offenders to the penal stations at Maria Island.

7th. A strict system of discipline should be enforced in regard to female offenders. No meat should be allowed them; a sufficient number of strict officers should be employed to controul them. The prison and hiring dépôt should be made irksome and places to deter, that there may be some inducement to them to behave well in service.

8th. The invalids should be carefully re-conducted to New Norfolk, and sufficient officers appointed to prevent their rendering each other miserable, and suffering from the turbulence

of the violent and ill-disposed ; able-bodied mendicants should be committed as vagrants to be employed on the public works ; aged and infirm beggars alone should be sent to the invalid station.

It is to be remembered that the present governor has declared that the men leave the gangs *in every respect* worse than when they entered them, and that his predecessor has called upon the Government in the name of humanity and for the credit of the nation, to put an immediate end to the probation system.

The Bishop of Tasmania, whose personal character, even more than his office, entitles his opinion to the highest deference, has published the dreadful evils of the system, and petitioned for its abolition. The archdeacon has addressed the lieutenant-governor, in an earnest appeal, against the continuance of transportation, and the whole clergy of the island have presented a memorial to the Home Government for the extinction of the probation system. For the last five years every class of the community, and almost every township in the colony, have presented urgent petitions for the same object.

Should the arrangements above recommended be adopted, the government will be freed from the responsibility of continuing a system which demoralizes a whole colony, and which is in direct opposition to the will of the community, and at the same time a very heavy expense will be saved to the public. The first essential to the repression of crime would be established in the punishment stations at Maria Island, where, without any fear of the men being able to escape and become Bush Rangers, the prisons might be places of actual punishment, strict discipline, and enforced labour, to which malefactors would dread being sentenced, instead of, as at present, being rather induced to crime by the place of punishment being a scene of idleness, indulgence of vicious appetites, unrestrained evil communication, with an abundant supply of meat and bread. Until a strong and salutary terror of the penalty of crime is impressed

upon the evil-disposed, offences will abound, and pass with impunity.

The prisoners who would receive conditional pardons would soon be absorbed in the other colonies.

CHAPTER XXVI.

VAN DIEMAN'S LAND.

This beautiful island, possessing the grandest scenery and the most delightful climate perhaps in the world, has suffered deeply from being made, for several years, the sole receptacle for the transported convicts of the whole British Empire. A large proportion of the free mechanics and tradesmen have left the island, and the colonists have been rendered familiar with crimes and vices hitherto unheard of. The mother country owes to Van Dieman's Land a heavy debt of sympathy and compensation for the wrongs she has long sustained.

I am very far from believing that the originally free members of the community have been so demoralized by communication with the convicts, as to be more depraved than persons in the same situations of life in England or Ireland. It is certain that the presence of convict-women and men, has been an evil more than equivalent to the absence of many of the causes of vice, which exist in old countries, and has greatly withstood the natural advantages of the colony for the development and exercise of the moral feelings and habits.

The incitement to industry and exertion, the profitable field for the human energies,—the inducements to marriage,

from the advantage of a large family, all the members of which may obtain profitable occupation—the advancement in condition of life, and the abundance and cheapness of provisions, have a powerful influence in directing the minds, and forming the habits of the colonists to industry, rewarded by so many advantages, and withdrawing them from idleness and vice, the evil effects of which are more apparent and greater in a small community. These natural advantages have withstood the inundation of vice, and enabled the free colonists to maintain the principles and establish the habits of a moral community.

Superior intelligence, no less than activity, characterise British emigrants, who always display an equal ardour for liberty and industry,—for humanity and religion. A new scene of life imparts energy to the tendencies towards good, and those attributes in the English character which they recollect with pride they imitate from affection; hence in Van Dieman's Land, and other colonies, the people exhibit a zeal in well-doing, far surpassing that of the same number of individuals in older countries. The demoralization, therefore, which exists among the convicts, is not to be attributed to the free population, between whom and the former, for the most part, little association exists. If transportation were discontinued, and the colonists, under a free government, were allowed to exercise their own intelligence and develop the resources of their country, the stain and evils of having been the receptacle of criminals would gradually and speedily disappear. In no community is religion in its most spiritual influences more widely and deeply diffused; in none is education more generally advocated and afforded: the future prospects of Van Dieman's Land are, therefore, in the highest degree encouraging.

For nearly ten years have the colonists been struggling to relieve themselves from the annual importation of criminals, and throughout that long period they have displayed a spirit and disposition worthy of the highest admiration. Regardless of

the profits of convict labour, and of the immense government expenditure, they preferred any sacrifice to the continuance of what they considered demoralizing their community. In future ages their conduct will be regarded as one of the few examples of a people struggling against temporal interest for morality and virtue, and if the desire of repairing a grievous injury, and aiding the sufferers in recovering from its effects, be a noble feeling, the people of England are bound to afford their powerful sympathy and assistance to the inhabitants of Van Dieman's Land.

That country has the first claim for a liberal system of emigration to introduce capital, industry, and intelligence, for the employment of the convicts, and those officers only should be appointed to high situations, whose example and influence in the private and domestic relations of life, may exercise a beneficial effect upon colonial society. Much do I regret to say that prejudicial as has been the association of convicts with the labouring classes, no less injurious has been the society of the junior and unmarried military officers to very many of the younger colonists of both sexes, while several of the senior and married officers obtained general esteem by their many excellent qualities.

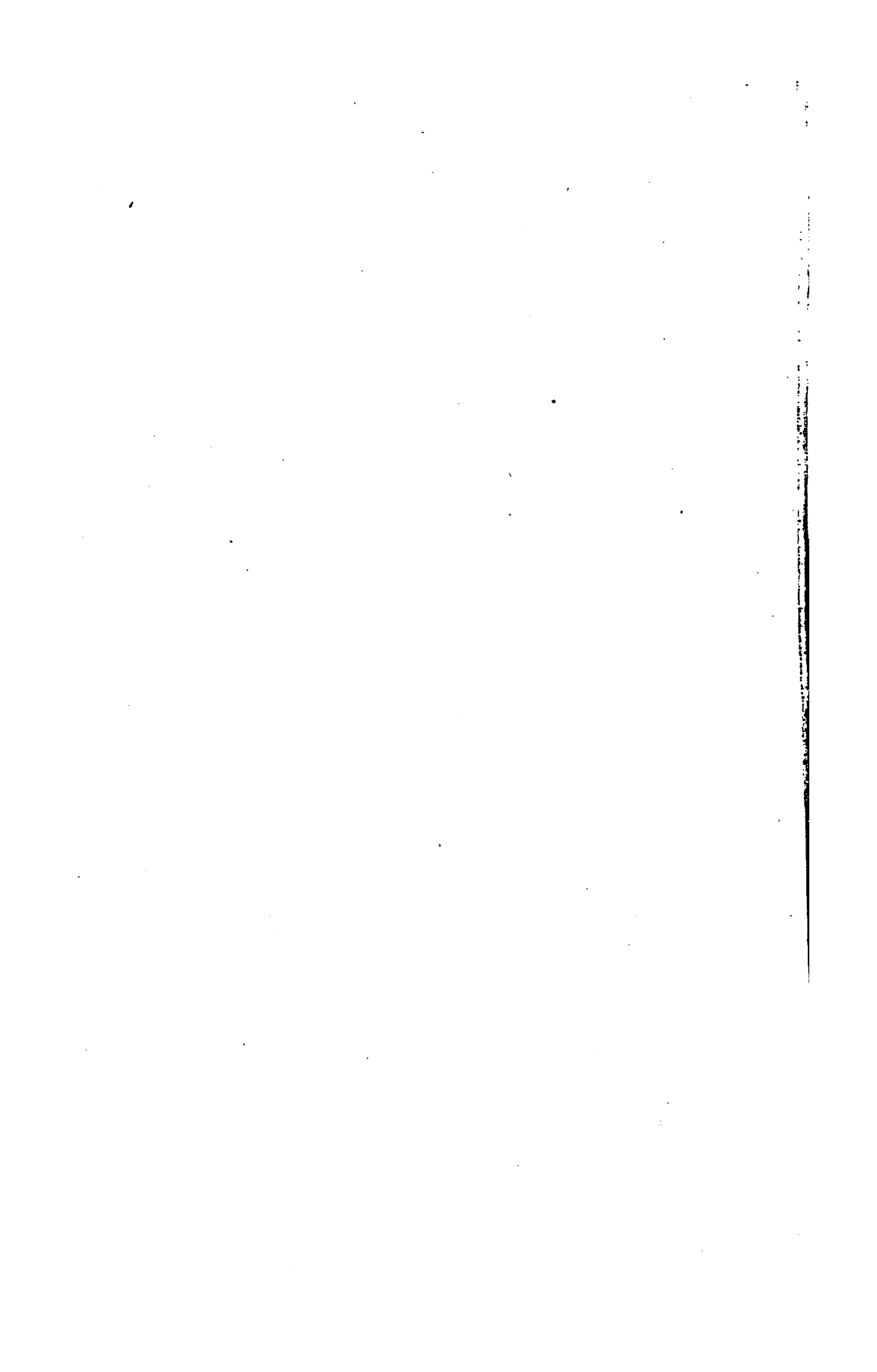
Nature binds a colony to the parent state in ties of the strongest affection, which time and wrongs can scarcely weaken. Mistaken is the policy which can trust more to coercive force than to free affection, and never will the dominion of England be established in its full grandeur and power, till having conceded to her colonies in the fullest manner, as their right and duty, self-government and self-defence, she shall rely on the grateful filial affection of her offspring empires for support and assistance against foreign hostility, and to relieve the distresses of her crowded population.

Such schools and instruction should be provided for the children of prisoners as may render them useful members of the

community. The expenses of which, and of the institutions and officers for repressing the crimes of the convicts, should be defrayed by the country which has introduced them into the island, and in place of restrictions, the fullest encouragement and facility should be afforded to a free domestic legislature to adopt the measures most conducive to the interests of the community.

THE END.

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